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## Human tide abandons Kosovo

- Serbs purge villages
- 4,000 quit every hour
- More atrocities reported

By MICHAEL EVANS  
AND CHARLES BRENNER  
IN BRUSSELS

REFUGEES were pouring out of Kosovo at the rate of 4,000 an hour yesterday. They were even walking through minefields in their desperation to reach sanctuary in Albania, the former Yugoslav Republic of Macedonia, and Montenegro. All had grim tales to tell of horrific assaults by Serb troops and paramilitary police.

President Clinton and Tony Blair vowed to carry on bombing in the face of the escalating violence. The Prime Minister said that now was the time to stand firm against the brutality, and he insisted that the Nato air campaign against the Serbs must intensify. President Milosevic should pay "a heavy price" for the atrocities, he said.

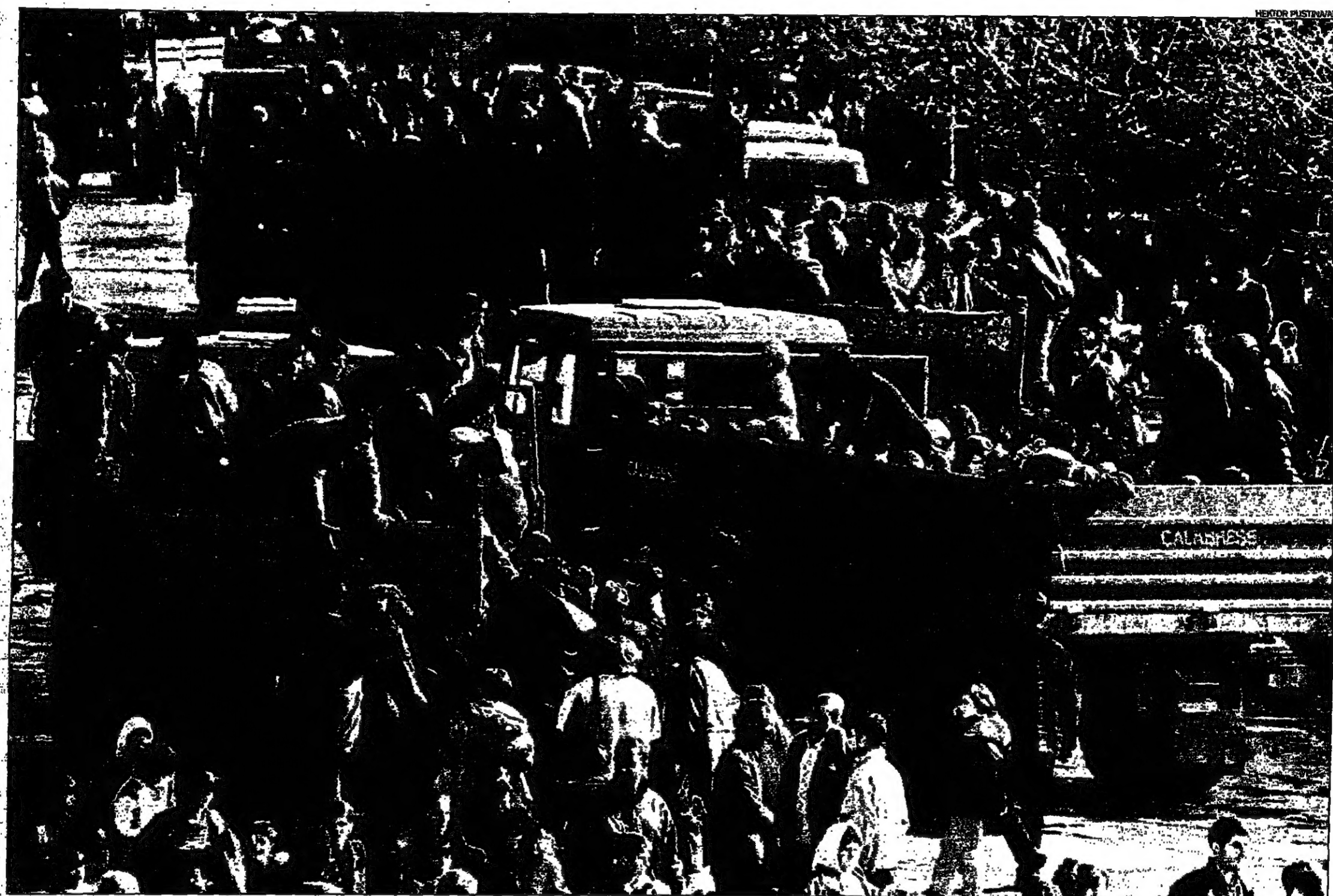
The greatest concern yesterday was caused by the flow of refugees heading for Albania. It became so overwhelming that the border crossing at Morina, about 150 miles from Tirana, was closed for a time.

One report said that 150,000 refugees were heading for the border. The Governments of Macedonia and Albania appealed for international help.

A spokeswoman for the United Nations High Commissioner for Refugees said that many of the "deeply traumatised" refugees had spoken of being forced from their homes at gunpoint by Serb forces, with no time even to gather a few belongings. She said Albania was approaching "saturation point".

Emma Bonino, the EU Commissioner for humanitarian affairs, said she would visit the region tomorrow to draw up plans for assisting Macedonia and Albania.

In response to the continuing reports of atrocities, including confirmation that "murder squads" were operating in Kosovo under Yugoslav Army and police command, Mr Milosevic and his key mili-



Fleeing for their lives, refugees arrive at the northern Albanian town of Kukes. As conditions worsened inside Kosovo, Nato said it was "moving heaven and earth to try to get in there and address the problem".

tary commanders were given warning that they would be held personally responsible for the war crimes being committed in Kosovo, and brought to justice before the International War Crimes Tribunal in The Hague.

Those named included Lieutenant-Colonel General Pavkovic, commander of the 3rd Army which is engaged in the operations in Kosovo; Major-General Lazarevic, who is commander of 52 Corps, also in Kosovo; and Radomir Markovic, head of Yugoslavia's internal security organisation.

Robin Cook, the Foreign Secretary, said that none of the soldiers and police killing civilians in Kosovo would be able

to plead that they were "just obeying orders". Mr Cook said: "Anyone who carries out atrocities against the civilian population, anyone who gives orders to them to carry it out, or is complicit in those orders being given, and anyone who fails to prevent such orders being carried out, anyone in any of these categories is liable to face indictment before the International War Crimes Tribunal."

As Nato began its sixth day of bombing, targeting Serb troops and tanks in Kosovo, there were reports that ethnic Albanian intellectuals were being executed. Nato named one prominent figure thought to have been murdered as Fehmi

Agani, one of the negotiators at the Rambouillet peace talks. However, there were doubts about the accuracy of this report. Another victim was named as Baton Haxhui, editor of the main Albanian language daily, *Koha Ditore*.

As Nato claimed the new phase of the airstrikes was beginning to have a marked effect on the Serb forces, the inhabitants of Pristina, the capital of Kosovo, emerged shell-shocked from Sunday night's heavy bombing. Numerous missiles hit the centre of the town and the Serb police headquarters was destroyed.

Nato said "colossal damage" was being inflicted on the infrastructure of the Serb

army and police. A Nato official said the airstrikes represented "a methodical, systematic and progressive" campaign to strip the Serb leadership bare of their military capabilities. Jamie Shea, the Nato spokesman, said: "We are going to progressively tighten the noose around the Serb war machine in Kosovo."

Nato officials said that allied aircraft had targeted the Yugoslav Army's 243rd Combat Group at Donja Smanja, in western Kosovo.

Nato insisted that the air campaign would be sufficient to force Mr Milosevic to call off his offensive, which was aimed at "ethnically re-engineering" the make-up of Kos-

ovo. Air Commodore David Wilby, a Nato military spokesman, said: "Every military person in the Nato chain is well aware of the urgency and we are moving heaven and earth to try to get in there and address the problem as quickly as we can."

Ground attack operations were now continuing around the clock, he said. RAF Harrier GR7s launched successful raids on ammunition storage sites on Sunday night and all returned safely.

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## Soldiers rolled grenades yelling 'this is for Blair'

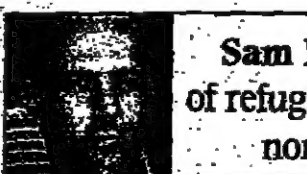
Sam Kiley hears a tale of refugee horror in Kukes, northern Albania

HER face reddened with weeping, her feet raw from the 20-mile forced march across mountains, Shipresa finally broke down when she reached the grim sanctuary of her new home in northern Albania.

Her ordeal sounded like some terrible medieval tale of rape, pillage and brutal tribalism. In reality, it happened over the weekend, and at one point she had to dodge Serb soldiers rolling grenades into the refugee crowds yelling: "This is for Clinton" and "This is for Blair".

Shipresa and her family fled with only the clothes on their backs, forced, like tens of thousands of fellow ethnic Albanians from their ancient homeland in Kosovo.

Their nightmare began when her family was denounced as terrorist members of the Kosovo Liberation Army by a neighbour, a Serb who enthusiastically joined in the ghastly ethnic cleansing of their home town and exposed



the hiding place where she and 40 family members were concealed. "The army and police came to the house many times and could not find us. Then our own neighbour showed them where we were hiding. We thought we all be killed," said Shipresa, a 24-year-old medical student from Peja.

The 15 men in her group, mostly well educated ethnic Albanians, were at first separated from the Serbs, the fun started. "They told us they were going to kill all the men. We cried and begged them not to, we fell to our knees, we offered them money. They all just laughed and showed their guns in our faces," she said

through the tears streaming down her face. The soldiers did not shoot. They just ordered the family to get out of the country and get lost to Albania, she said.

"Like many of the other 70,000 Albanians driven from their homes in the biggest humanitarian catastrophe since the end of the Second World War, Shipresa and her family were then forced to walk the 20 miles to the border with Albania, leaving behind centuries of Muslim heritage, their professional lives and in her family's case, their comfortable home.

goods they carried were taken from them. That was the easy part.

The real fear was of summary execution, or worse. They told of how they saw young men have their limbs hacked off by laughing and jeering policemen, who then shot them in front of their loved ones at the roadblocks, a brutal reminder of the tactics of Hutu extremists in Rwanda.

"People were mad with blood. They seemed clinically insane, psychotic," Shipresa said. The men in her family joined the trek to Albania and were inexplicably spared the initial threats of murder.

But en route, as they tramped alongside tens of thousands of others, they fell victim of a deadly game played by the Serbs with live grenades. Young men, some of whom they knew and had grown up with, yelled: "This is for Clinton" and "This is for Blair", and then rolled grenades.

Confirmed on Page 3, col 1



**Euro falls to a new low**

The euro tumbled to new lows as investors feared for the stability of the new currency amid the intensifying Balkan conflict and on further signs of weaknesses in European economies. Page 25

**Graves revealed**

The IRA may announce the locations of unmarked graves of three people killed during the 1970s. Evidence procured in recovering remains will not be used in prosecutions. Page 10

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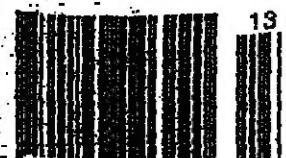
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## BALKANS WAR: THE EXODUS

# Alliance faced with a race against time

NATO is now engaged in a race against time to prevent President Milosevic from completing his wholesale "ethnic cleansing" programme aimed at driving the Albanian population out of Kosovo.

With a further 150,000 Albanians expelled from their homes at gunpoint and heading for the Albanian border, Nato's military commanders are struggling to keep up with the political demands imposed on them, which are to stem, not escalate, the humanitarian disaster.

Although the bombing has intensified and the main targeting focus has switched to Serb troops and special police units operating in Kosovo, the momentum of the ethnic cleansing is far greater than the damage inflicted on the Serbs by Nato's bombers.

Yesterday Nato officials said that the second phase in Operation Allied Force — extending the targets to Serb forces in Kosovo — was beginning to have an effect. But despite the armada of well over 400 allied aircraft now dedicated to the campaign, the progress was slow. Bad weather, the fear of causing civilian casualties and the need to select individual targets, not bomb indiscriminately, had restricted Nato.

However, as allied bombers work their way through the comprehensive list of targets drawn up by military intelligence, Serb shock troops are continuing their slaughter, untroubled by any need for pre-



**Michael Evans reports on the problems faced by Western commanders as they try to stem the bloodshed in Kosovo**

sion or selective action. They are following the strategy so successfully adopted by the Bosnian Serbs in the war in Bosnia-Herzegovina, which is to surround a village with tanks and artillery, pound the inhabitants with shells and then send in the paramilitary heavies to finish off the job.

As word spreads from village to village of the atrocities being committed, the ethnic cleansing becomes easy, because families in the path of the advancing Serbs evacuate their homes.

This sense of desperation will have been exacerbated with the confirmation that two notorious murder squads are now operating in Kosovo, under the command of the Yugoslav Army and the Serb special police. They are the Tigers, led by the indicted war criminal, Arkan, and now also

the so-called Vucjak Wolves. Intelligence sources said yesterday that about 300 villages in Kosovo had now been destroyed or severely damaged, and their 350,000 inhabitants driven away.

The Serbs — now totalling 27,000 troops, 16,500 police and 300 tanks in Kosovo — had also created a *cordon sanitaire* in the western corner of Kosovo up to the border with Albania from which virtually the entire ethnic Albanian population has been expelled.

After six days of bombing, which has succeeded in damaging or destroying some of the Serb air defences, ammunition depots, command centres and army bases, Mr Milosevic is clearly gambling on the fact that, despite the onslaught from the air, enough of his forces in Kosovo will survive to fulfil his vision of an apartheid state in Europe.

Anxious to clear up the Kosovo problem before the 50th anniversary of the alliance at the end of next month, Nato governments must already be contemplating the nightmare scenario of having to deploy ground forces, despite daily denials.

Yet even if the 12,000 Nato troops in the Former Yugoslav

Republic of Macedonia were to be boosted to invasion levels at least 100,000 — it would probably be too late.

It would take at least two months to assemble a force of such size, with the huge logistics involved, and by then the ethnic cleansing programme in Kosovo could have been completed.

So far, it is calculated that 500,000 ethnic Albanians — more than 25 per cent of the Albanian population in Kosovo — have been driven from their homes since the war began a year ago.

Restricted to airstrikes alone, Nato's military commanders can only hope that the accuracy and devastating firepower of the bombers making their runs over Yugoslavia will force the Serbs to end their repression.

Robin Cook, the Foreign Secretary, yesterday maintained the Government's no-troops strategy. "Ground troops are not some kind of magical shortcut, they would still take a long time before they could be put in position or before they could take advantage of the disruption we have caused to Milosevic's military. But we have no intention and no plans to commit ground troops," he said.

In the race between Nato and Belgrade, the contest, at least for the moment, will be between two unequal sides: the massive superiority of Nato in the air and the continuing supremacy of the Serb forces on the ground.

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## UN calls for aid to save refugees

By MICHAEL BINYON  
DIPLOMATIC EDITOR

AS COLUMNS of tired men, women and children streamed across Kosovo's borders, the United Nations High Commissioner for Refugees (UNHCR) was yesterday drawing up contingency plans to feed and house the 60,000 who have crossed into Macedonia and Albania.

Nato was also holding urgent consultations to co-ordinate emergency aid and prevent the exodus overwhelming Kosovo's neighbours. Western governments are preparing to fly in food, shelter and

medical supplies, and humanitarian agencies are to put their provisions and expertise at the disposal of UNHCR, which is co-ordinating the response.

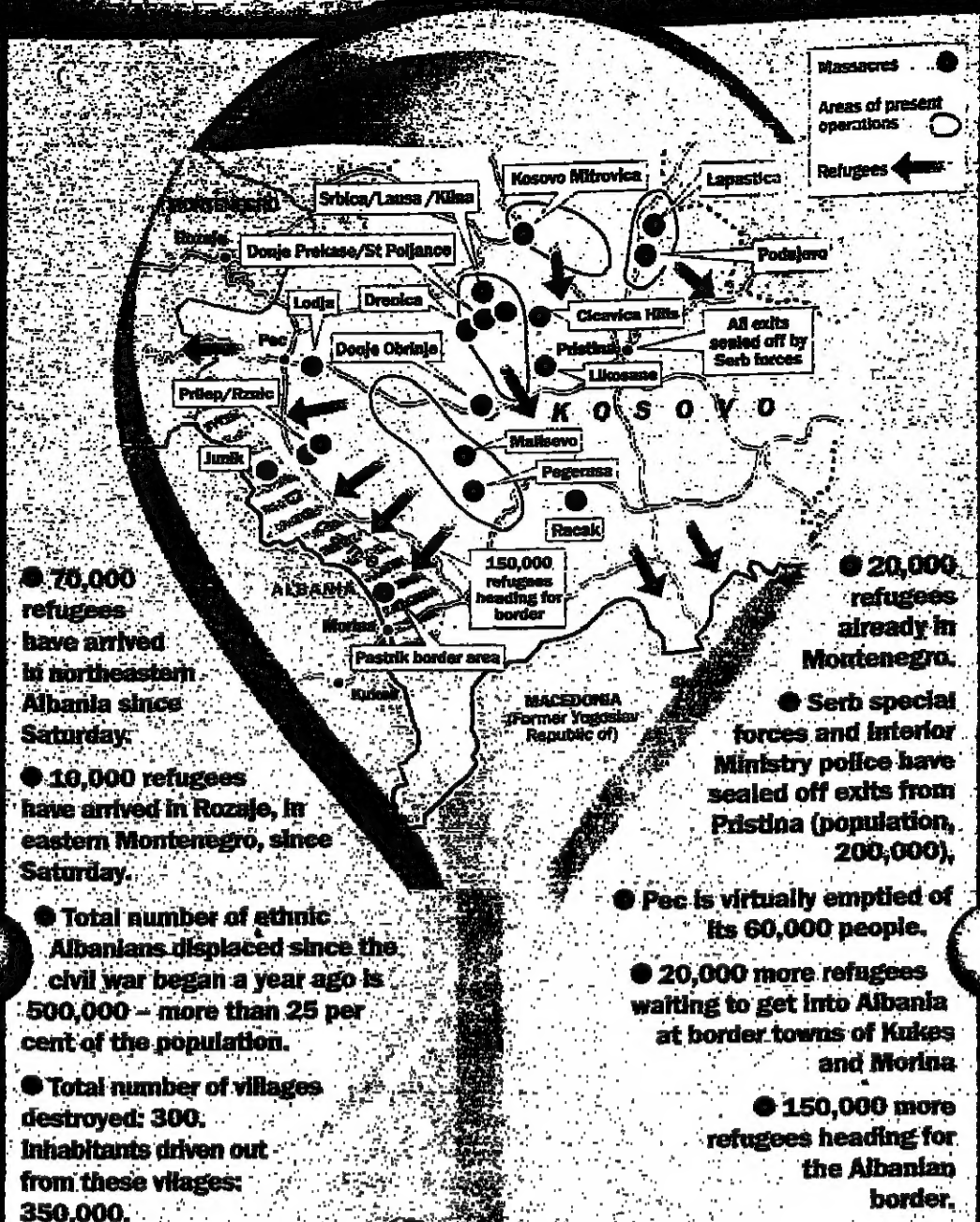
Rudolf Scharping, the German Defence Minister, said yesterday that Bonn was co-ordinating a European Union initiative to help Kosovo refugees. He said his ministry was taking the lead initiative with the other 14 EU member states. Germany currently holds the EU's six-month rotating presidency.

Only the Red Cross and Médecins sans Frontières are already present in force in Albania and Macedonia, but other aid

workers are ready to move in. Sadako Ogata, the UN High Commissioner, has launched an appeal to the international community. "These people have nothing, so we have to set up a rather large operation in several places, all through the neighbouring countries of Kosovo," she told the BBC Today programme.

No government has yet announced that it is to open its doors to the displaced Kosovo Albanians. As it did during the height of the Bosnian war, Britain is likely to operate an extremely restrictive policy, making it hard for any Albanians to reach safety in this country.

## TIME IS RUNNING OUT FOR NATO



## Former peacenik Cook warms to heat of battle

Robin Cook made his name in politics on the CND, anti-war and disarmament wing of the Labour Party. Yet there he stood yesterday next to Sir Charles Guthrie, Chief of the Defence Staff, talking about the state of the air campaign. Mr Cook sees "no contradiction at all" in his past and current stands.

Talking to him yesterday in the Foreign Secretary's office, Mr Cook emphasised his commitment to seeing through the military action. "I feel genuinely angry with what I see happening. My position now fits consistently with all the positions I have taken throughout my political career."

"I have always been opposed to repression and the indiscriminate use of military violence. I have always supported international solidarity against repression. I opposed apartheid in South Africa, so I cannot accept apartheid through ethnic cleansing in Europe." He said that "many others of my political generation take that perspective."

Mr Cook keeps in close contact with Joschka Fischer, the

## The Foreign Secretary tells Peter Riddell that his present fighting talk is not at odds with his past

German Foreign Minister with a similar background and outlook, flying to Berlin on Sunday evening for the third time in a week to have talks with him. He has also been in daily touch with Madeleine Albright, the US Secretary of State.

The international community, he argued, had not only "the right but also the obligation" to oppose aggression which resulted in a humanitarian catastrophe.

But why is Kosovo different from Rwanda, Chechnya and other places where there has been repression? For Mr Cook, the key distinction is that Kosovo is in Europe. Following Nato's enlargement earlier this month, there is now a border, in Hungary, between the alliance and Serbia, so "the major conflict just over the fence" is of direct concern to us.

Nato is at stake — not just loss of face after earlier commitments, but confidence in our own security. It is in the national British interest to maintain Nato's credibility.

"Nato action was justified by 'the humanitarian need to halt ethnic cleansing within Europe and by making sure the alliance had the resolve to see it through'."

The usual cool Mr Cook has no doubts and is clearly "very committed". Over the past year, "I have tried as hard as anyone else to find a negotiated way forward". He has met several of the Serbian leaders, including President Milosevic twice. "I have tried to talk reason," but at the time of the Paris negotiations Mr Milosevic was preparing a spring offensive which started before the beginning of the Nato bombing last Wednesday. "The only thing that Mr Milosevic respects is force."

The Foreign Secretary also highlighted warnings to field commanders that they would be held to account for any war crimes. This was not, he claimed, an empty threat since half of those indicted in Bosnia were under arrest or awaiting trial.

The military campaign would continue until aggression was halted. But what if Serbian forces succeed in forcing the Albanian Kosovans out of their territory?

Mr Cook said such a situation would be unacceptable. An alliance objective would be the return of the refugees to their homes. He said suggestions of a United Nations protectorate were doubtful legally. But the long-term answer might be underwritten by an international military presence after a ceasefire on the ground.

Mr Cook acknowledged that there has been increased urgency in the campaign in response to Serbian attacks and the growing flow of refugees into neighbouring countries.

Drawing a parallel with the seven-week air campaign in the Gulf war of 1991, Mr Cook defended the reliance on air operations in the face of increasing calls to commit ground troops. He stressed that there were no plans to use ground forces, but argued that they would anyway be irrelevant now. Air attacks were the right way to curb Serbian aggression at this stage.

He said the Serbian "thugs" only attacked Kosovan villages after they had been surrounded by army tanks and heavy equipment. Nato aircraft would target such operations and thus be able to limit "ethnic cleansing" without the commitment of ground troops.



Robin Cook, right, and General Sir Charles Guthrie at a Defence Ministry briefing

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# Officials impotent as refugees flood in

Victims' exodus into Macedonia caught Nato's soldiers by surprise. Daniel

McGrory and photographer Simon Walker witnessed what happened



YARD by yard, the procession of tractors groped their way along the mountain's edge to reach some of the thousands trying to escape Kosovo on foot through the mud and snow yesterday.

Some youngsters had collapsed in a heap, unable to walk the last mile to the border with Macedonia. Their parents did not have the strength to carry them.

In the valley below, aid workers stood around in huddles looking startled as the slow, bedraggled column of 5,000 refugees descended on Blace. Villagers had to use their own vehicles to rescue the latest victims of Kosovo's war. They took bread and blankets to families, some of whom had been walking for two days.

Macedonian soldiers looked out from their empty army trucks as Blace's farmers tried to squeeze as many as they could on to their tractors and trailers. Leaders from the Albanian community in Skopje commandeered every available van and lorry they could and begged taxi drivers to go to the border to ferry the new arrivals to the capital, where already overcrowded families were being asked to shelter them.

One local leader asked indignantly: "How come Nato tells us it has eyes in the sky with its surveillance planes so it can see every move the Serbs are making and yet it can't spot a line of people, cars and buses this big heading for 70 kilometres and more towards a border?"

The authorities and aid groups were unprepared for yesterday's influx and appeared helpless. There is growing consternation at the seeming inability of the United Nations and others to cope, even though the numbers of refugees has grown since air strikes began. There are still no tents, no medical facilities or doctors, and no organised transport at the border crossing despite the crush of humanity pouring through.

By last night, an estimated 20,000 refugees were in Macedonia, which is the limit the Government says it will take, though those arriving yesterday said there were at least as many again walking behind them, trying to evade the Serbs.

One UN official at the scene admitted: "We are unprepared, and the international community had better wake up quick, or we are in for a humanitarian catastrophe. The

numbers are getting out of hand."

There are also calls for the 10,800-strong Nato force waiting in Macedonia to use its manpower and vehicles to help to transport the refugees away from the border. One Nato officer said last night: "It is something I'm sure we should be looking at."

Ferez Salihu, who helps to run an Albanian charity in Skopje, said: "If Nato won't fight to stop the Serbs evicting our people, then surely it cannot turn its back on women and children who have no one left to help them."

Scores of families from Skopje waited for hours at the border for relatives to appear through the blanket of morning mist, knowing the exodus was close by, and yet government officials and aid organisers were caught by surprise.

Overwhelmed by the numbers, border guards simply waved everyone through, ignoring the fact that most refugees had had passports and identity papers confiscated before they were ordered to leave their homes by Serb troops.

The Red Cross belatedly set up a registration tent. But it admitted it had no idea where the arrivals would find shelter. It has none to offer.

The authorities were urged last night to consider providing temporary shelters in school gymnasiums and abandoned factories. Those arriving did not care where they slept. They were simply relieved to have escaped with their lives.

Bajram Nikats sank to his knees as a farmer told him he had reached the safety of the border. His wife, Baki, was convulsed in tears as she embraced her three young children. Bajram described how

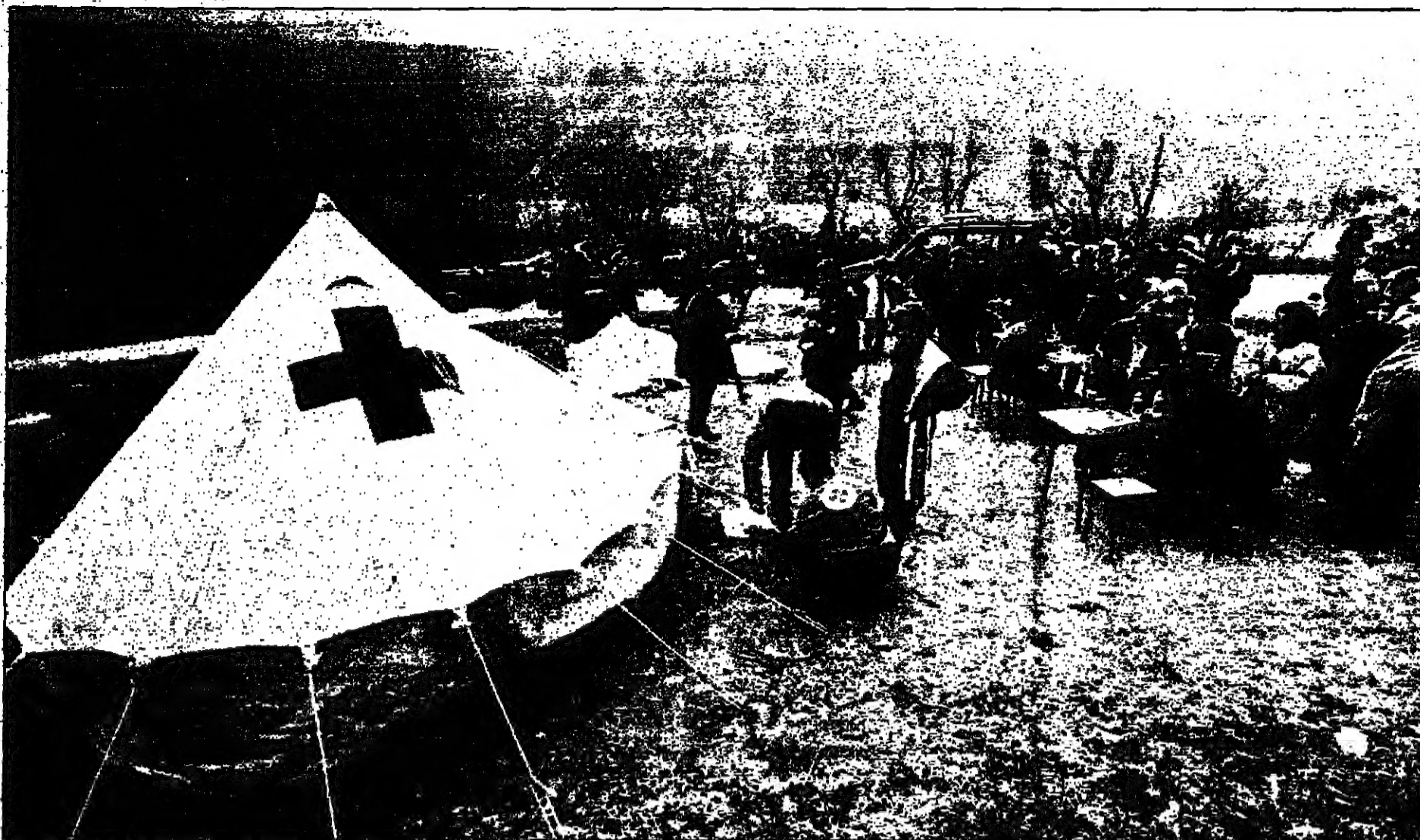
<http://www.assed.nl/news/kosovo> — Ministry of

Defence site dedicated to Kosovo conflict, with speeches by ministers, maps, chronology and UN resolutions.

<http://www.assed.nl/news/kosovo> — Pristina-based agency giving news and analysis from Serb point of view.

<http://www.sll.com/ratibika.htm> — Kosovo Liberation Army website offering KLA declarations, interviews and chronology.

<http://www.hwp.net> — Institute for War and Peace Reporting, independent group with wide range of reports on war, human rights, censorship.



Red Cross workers and local people try to cope with the stream of victims struggling to reach safety. Macedonian villagers urged Nato soldiers to help the exhausted refugees

gunmen burst into their home after dark and gave them 45 minutes to leave. "I walked outside and our whole village of Vil Lanište was leaving. My wife's father tried to protest so they just shot him. He was lying at our feet, dying. They would not let my wife help him. She could not even touch him. We had to step over his body to get away. We cannot bury him and I doubt we will ever see our home again."

Children gripped chunks of bread in their muddied hands and looked suspiciously at one man who offered them soft drinks, wary of such acts of generosity after recent events.

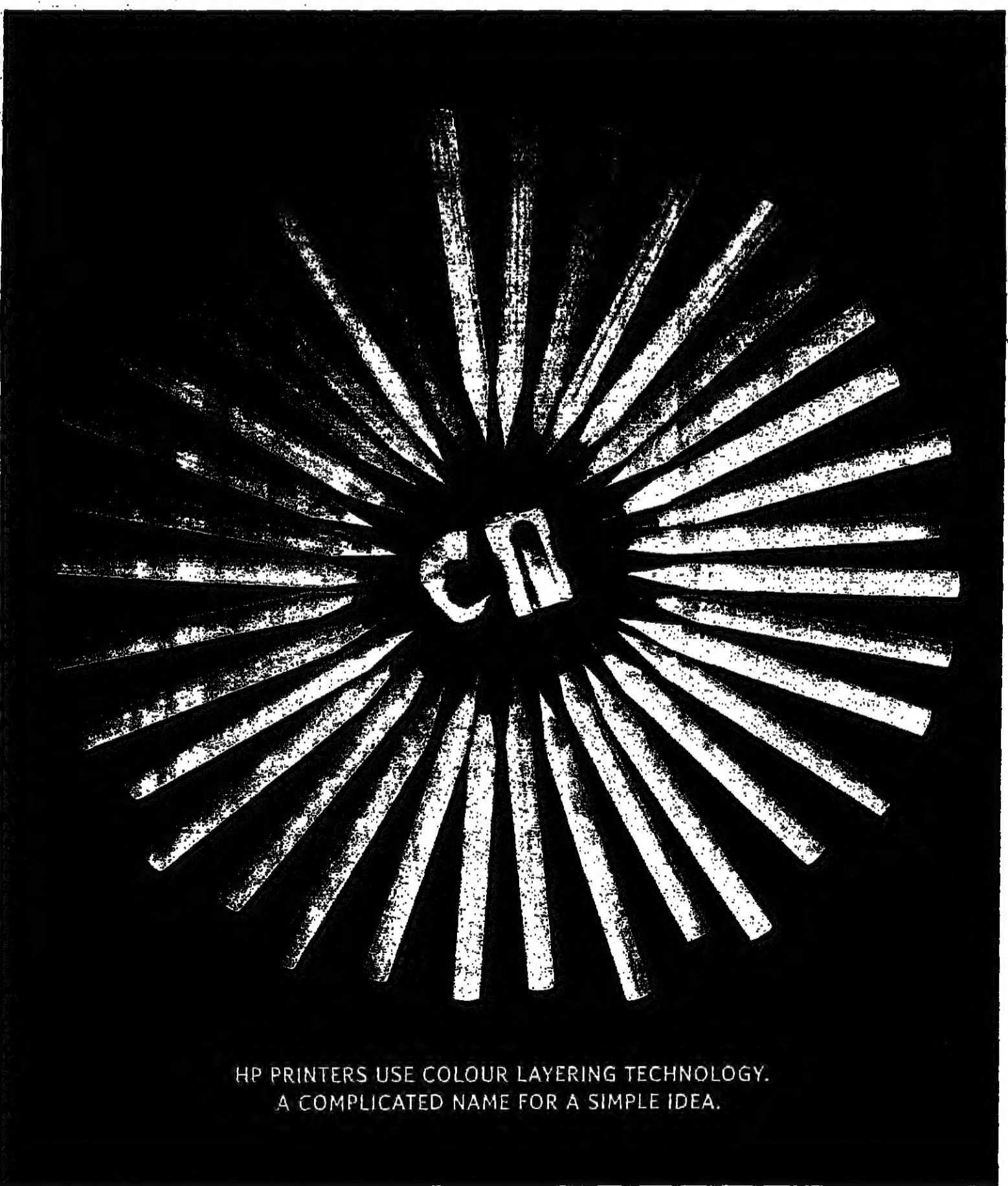
When a border guard went to help a pregnant woman trying to ease herself out of a car, a six-year-old girl sitting on her lap screamed.

"There is no help for these people — nothing," one Albanian charity worker said as he helped a family of 11 into the back of a small van.

The refugees said that, as Nato has intensified its attacks, so have the Serbs.

Tefik Majlku, 30, who arrived with ten of his family from the outskirts of Pristina, said: "Every time there was an air raid the Serbs would hit us with artillery and mortars."

One woman, her eyes red from crying, said: "My two sons were taken away. They let my father go because he is old. But he is somewhere on the mountain still."



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Bedraggled refugees ride the last few miles to safety on a tractor and trailer

## Kosovans tell of horror as they run gauntlet of Serbs

Continued from page 1

into the terrified refugees as they fled on Sunday.

"It was supposed to be the Christian day for religion. But these people were like devils, cold with hatred, sometimes laughing, sometimes yelling insults and throwing stones," she said.

"Three of our men were killed, in three different explosions, as we ran to Albania. As we left our house, they burst in. As it burned, they blew it up, they said that we would never be able to return because there would be nothing to return to," said the devastated young woman, who now owned only what she stood up in, a set of clothes and an anklet.

The scale of the Serb atrocity.



Shipresa: driven from her home with family

ties in Kosovo, which are not possible to independently verify, was given credence by the fact that every refugee in Kukes had a similar story.

They told of mass rape, or men being tied up and then immolated in their homes, or random killings, and not a single act of mercy or help from their neighbours.

In the state-sponsored attempt at the genocide of Kosovo Albanians, the Serb minority, backed by police and paramilitary thugs, bussed in from the Serb Republic where they honed their skills during the early 1990s, ordinary civilians have been turned into beasts, said Shipresa.

"I am now lucky to be alive, I suppose. But what sort of a life can we now expect," she said. Then she turned and ran for a bus which would take her, to a temporary home in an unknown village in a country she had never visited.



## BALKANS WAR: GROUND FORCES

## America remains wary of difficult terrain

FROM BEN MACINTYRE  
IN WASHINGTON

PRESIDENT CLINTON is coming under increasing pressure to draw up plans for the use of ground forces in Kosovo, despite repeated assurances that the US Administration has no intention of becoming embroiled in a land war.

American political leaders and foreign policy analysts — from Republican presidential hopeful Senator John McCain to Henry Kissinger — have argued that Mr Clinton should at least raise the possibility of going beyond airstrikes, if only to keep President Milosevic guessing.

"We have to exercise every option," Mr McCain, a Vietnam veteran and former PoW, said. "If Mr Milosevic was convinced that ground troops are an option we might exercise, I think it could lead to a more convincing him that he cannot win."

## BATTLE TROOPS

Dr Kissinger argued that troops might be unavoidable. He said: "We have to take whatever measures are necessary, even reluctantly introducing ground forces if that is the only way."

Arlen Specter, the Republican senator, backed the suggestion that only European ground troops should be sent in to fight on European soil. "It's their backyard," Mr Specter said.

US officials are acutely aware that Kosovo represents a far more treacherous potential battlefield than the flat deserts of Iraq.

Echoing the US military philosophy that "we do deserts, we don't do mountains", Colonel Bill Taylor, a Vietnam veteran and head of political and military studies at the Washington Centre for Strategic and International Studies, said: "You're talking rugged land, high mountains, deep ravines — it's a messy, Godawful terrain."

## Nato thinks unthinkable on land war

NATO confirmed yesterday that it had detailed plans for an eventual ground offensive in Kosovo but the scale of the operation would be so daunting in military and political terms that officials privately depicted it as unthinkable.

Alliance spokesmen insisted that a ground operation was not on the cards "for the moment" and the allied objective remained bringing President Milosevic to agree to a ceasefire. Jamie Shea, the Nato spokesman, said that it was not clear anyway that ground troops would "make any immediate difference" if deployed in Kosovo. "We have done some detailed planning but for the moment troops will only go in when there is a ceasefire agreement."

The scenario for a possible ground offensive was sketched by allied officials last October and conclusions were formidable. Nato would require between 200,000 and 300,000 troops, a level comparable to that in the Gulf War.

They would face well-trained Yugoslav armed forces of 90,000, two thirds of them regular soldiers in addition to thousands of special police units of the kind operating in Kosovo. "It would be a real all-out war," said a Nato diplomat. "We don't even have the forces."

It would take weeks to muster the military strength re-

## Troops will face mountains and minefields, writes Charles Bremner

quired and position them in the area to back up the existing 30,000 troops in Bosnia and 15,000 in Macedonia.

Heavy casualties would be inevitable in an operation of greater complexity than the Gulf War on hostile mountainous terrain. With roads and bridges destroyed and numerous minefields, moving troops by land in the face of concentrated enemy resistance would be certain to result in high casualties, military experts said.

The existing Allied Rapid Reaction Corps based in Macedonia has been preparing for ground operations of a limited nature to enforce a ceasefire in Kosovo. Not yet at its planned strength of 28,000, the corps was not intended to engage the regular Yugoslav armed forces but to carry out limited local operations.

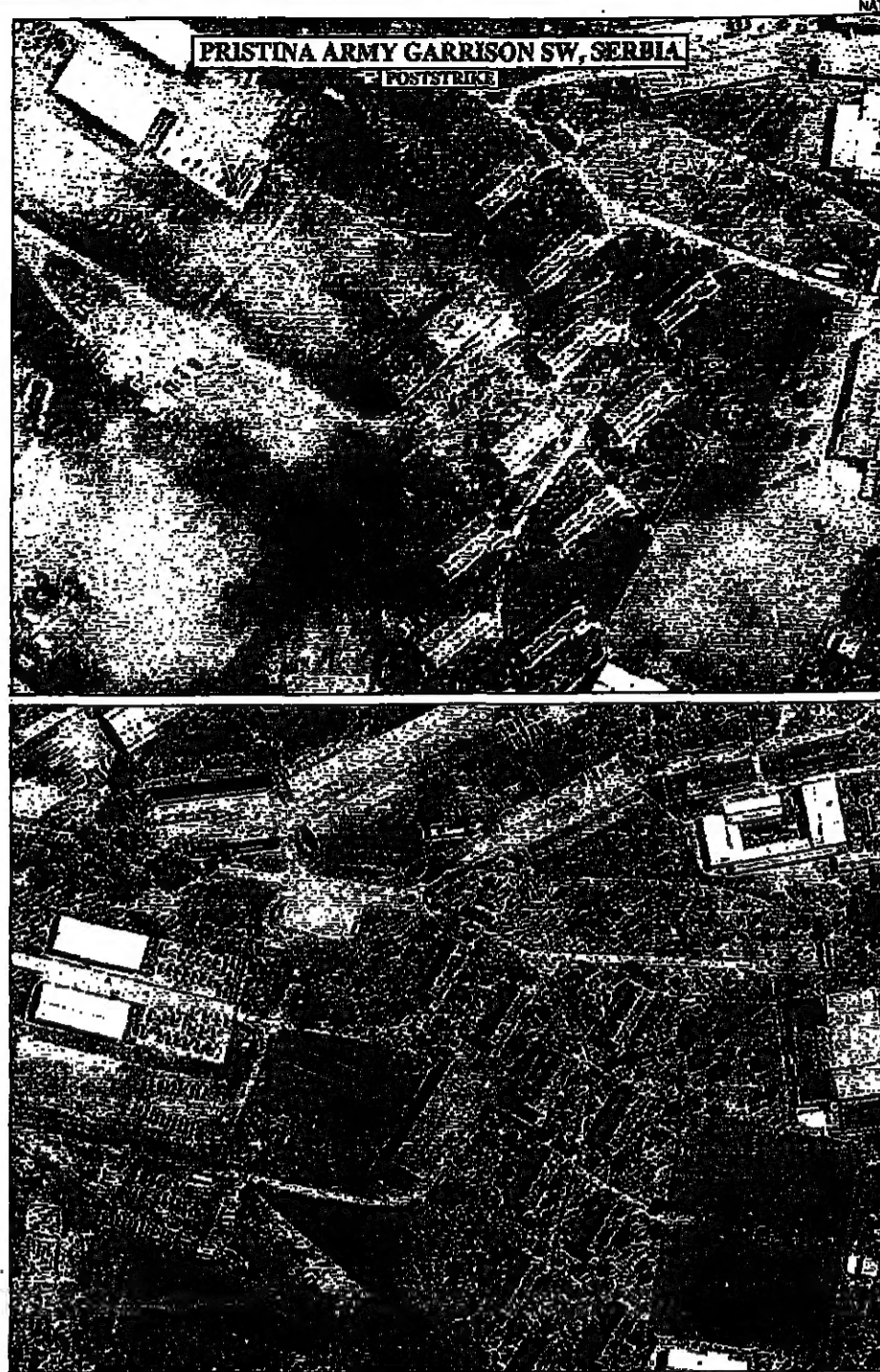
With 6,000ft mountains along the border with Kosovo, the Macedonian-based forces would be easy targets to Serbian defenders as they tried to make their way through moun-

tain passes. The terrain and lack of Nato aircraft make airborne operation exceedingly difficult, military experts noted. "The Serbs could even take to the hills and pick off large troop formations while the alliance got bogged down like in Vietnam," said a diplomat.

Although the alliance was sounding increasingly confident yesterday over its successes against the Serbian air force and air defences, Nato aircraft could expect to face continuing opposition from MiG29 fighters. On the ground the Serbian forces would be equipped with up to 1,000 battle tanks, including several hundred T72s, the most modern of the armoured weapons built by the Soviet Union to face Nato forces.

Commenting on the quality of the Yugoslav regular forces a Nato diplomat recalled that Western planning used to assume that these troops would seriously slow down any Soviet offensive in southern Europe. With the ground operation so militarily difficult, Nato officials are reluctant even to hypothesise about the likely course of an offensive.

By talking about planning and noting that troops are not "for the moment" to be used, Nato was anxious not to give any reassurance to President Milosevic that he could count on Western squeamishness to avert a ground war.



Pristina army garrison in Kosovo, below, and a Nato photograph of the barracks showing the damage after being struck by allied bombers at the weekend

## Defence chief praises Harrier pilots after close shave

FROM RICHARD OWEN  
IN GIOIA DEL COLLE

## MORALE BOOST

GEORGE ROBERTSON, the Defence Secretary, yesterday congratulated RAF pilots at the Nato air base at Gioia del Colle in southern Italy, hours after Harriers taking part in bombing raids over Kosovo had encountered heavy anti-aircraft fire for the first time.

One of the 12 Harriers based

here came within seconds of being fired at by a Serb SAM missile, which locked on to his aircraft and forced him to take evasive action.

Pilots described to Mr Robertson the adrenaline rush of being targeted and the fear which followed after they had returned safely to base. Group

Captain Ian Travers Smith, the RAF spokesman at Gioia del Colle, said the incident showed the risks that the Harriers were running and their skill in evading danger.

He said the pilot, who was on a mission to destroy an ammunition dump near Pristina, realised he had been detected and threatened by a SAM battery below. "He used a combination of techniques to avoid

the danger," he said. "I cannot tell you what they were in case it helps the enemy."

Mr Robertson said: "The risks are very high and are obviously increasing all the time. These are very brave people."

One of the pilots involved in the Pristina raid, a Scot in his thirties, said that after landing he had spoken to the pilot who had nearly been fired at. "He did absolutely the right thing,"

he said. "It was a textbook reaction. He can take comfort from that."

He added: "In peacetime, if you get it wrong you get a hard time from the rest of the formation. The difference here is that if you get it wrong, you die. He said there was no obvious feeling of fear at the time. It's only when you're back in your bedroom that you think about it. Then there is fear."

Another flyer said: "When you look back you can remember every single minute of the sortie. What felt like an hour is compressed into a minute. The adrenaline is flowing." Mr Robertson, who also spoke to the 280 ground-support staff in a morale-boosting visit, said he was impressed by the huge number of people required to keep a Harrier squadron in the air.

## KOSOVO SUMMARY

## Protester killed by gunman

Prague: A protester was shot dead at a rally here yesterday calling for a speedy peace deal in Kosovo, a witness said. A Reuters photographer, Petr Jozek, said he saw a man firing three shots at a demonstrator before running away. Other witnesses said later that the gunman was arrested quickly and taken away by police. (Reuters)

## Pope calls for peace

Rome: The Pope has urged the warring sides in Kosovo to cease fighting and to return to the negotiating table. Meeting Council of Europe representatives at the Vatican, he called on the two sides to "let their weapons fall silent... cease acts of vengeance... and begin negotiations". (AFP)

## Threat to embassies

Johannesburg: Security has been stepped up at the British and US Embassies in Pretoria following a telephoned threat to the Citizen newspaper here by a group calling itself the Serbian Liberation Front to bomb them. South African police said. (AFP)

## Tourists cancel

Zagreb: Tourists hoping to spend Easter on Croatia's Adriatic coast are being frightened away by Nato airstrikes. A group of 40 British tourists who had been due to fly to Dubrovnik were among those who had cancelled, the daily Jutarnji List reported. (AFP)

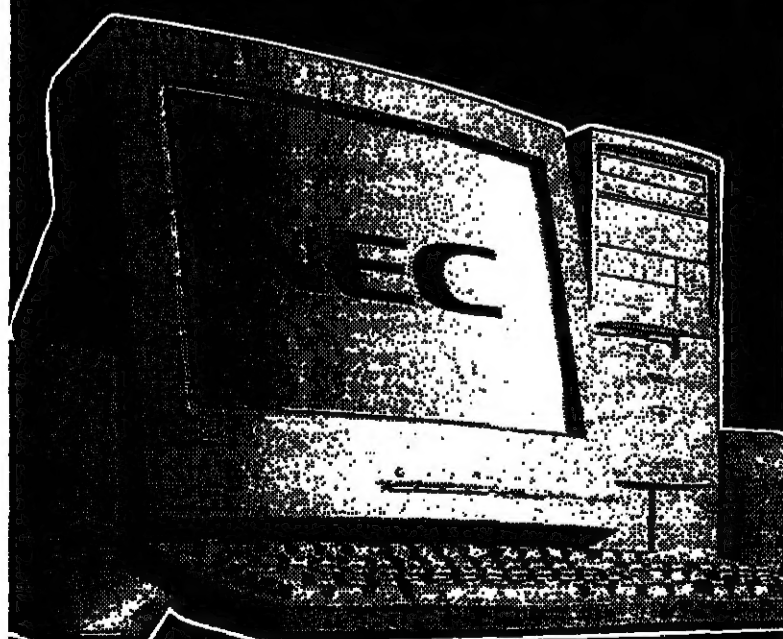
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BALKANS WAR: RAISING THE STAKES

# Rebels appeal to Nato for more weapons

**RUNNING** short of guns and ammunition, the Kosovo Liberation Army appealed from its mountain hideouts last night for Nato to provide it with heavy weaponry for the hit-and-run war against the Serbs.

In suburbs around Pristina, brigades of the KLA were said to be engaged in hand-to-hand fighting and firing at Serb paramilitaries who had taken over apartment blocks in the centre of the city.

The KLA's sporadic attacks began minutes after Nato jets bombed a police station in the regional capital. As Serb forces fled from the burning building into the blacked out streets, they were fired at by KLA units who had been in hiding in Pristina since the latest ethnic round-up began a week ago.

Serb forces have sealed off the capital and their orders are said to be to eradicate the KLA brigades. In the confusion it is difficult to gauge how many fighters the KLA can call on in the capital, as opposed to recent recruits of men who evaded the Serb snatch squads who ethnic Albanian leaders say have been moving from door to door.

In a satellite telephone call, a KLA commander claimed there were gun and grenade at-

**Alliance rules out arming the KLA and insists upon its impartiality, Daniel McGrory reports from Skopje**

acks on two other police stations. "If Nato will not intervene with its troops, then give us their guns and tanks and we can do the job ourselves," the commander told a KLA supporter in the Macedonian capital, Skopje, yesterday.

Nato commanders have ruled out arming the KLA, arguing it not only breaches the United Nations weapons embargo but they could not supply the hardware they need while the region is engulfed by fighting.

One Nato source said: "We have to remain impartial, no matter how hard that seems. Besides, hour by hour the deterioration across the border means we cannot get weapons to them, nor train them how to use them." A KLA official suggested that rebels were secretly armed by the Pentagon in the weeks before this crisis erupted, though US officials in Skopje deny this.

American officials are also uncomfortable about the KLA launching its attacks in Pristina to coincide with the Nato bombing raids. "We see how the KLA would take advantage of the confusion in a night-time air raid but Belgrade will claim that Nato has become the air force of the KLA. We are there to protect civilians, not back one side in a civil war," an official said.

The race is to see if President Milosevic can purge the Albanians from rebellious Kosovo before the Nato bombardment can stop his military machine.

KLA leaders argue that if the White House is willing to fund and arm opponents of President Saddam Hussein of Iraq, then why not aid the KLA to bring down Mr Milosevic?

How effective the KLA is proving in the guerrilla war is impossible to assess accurately, since every independent monitor has been driven from Kosovo.

With their newspapers and most television and radio stations shut down, KLA leaders like Hashim Thaci pleaded through the Internet and on satellite phone for ethnic Albanian leaders to stop the exodus of refugees. He argued that if they give up their homes they will never be allowed to return, though it is doubtful how many families will take seriously his boast that the KLA can defend them against Serb attacks. He ended his appeal by asking every man from 16 to 50 to join the KLA. It is now or never, he said.

In the ever more frantic propaganda war, the KLA claimed that the Serbs had burnt out their main newspaper, *Koha Ditore*. Belgrade replied that Nato planes had done the damage.



The Serb paramilitary chief known as Arkan — who was said to have been directing "ethnic cleansing" — with his children in Belgrade yesterday

## Milosevic and generals warned that 'just following orders' is no defence

**Belgrade top brass may be tried for atrocities, Michael Binyon writes**

NATO yesterday raised the stakes in the Kosovo offensive, with a public warning to leading Serb generals that they face indictment as war criminals.

President Milosevic and four recently promoted high-ranking generals were yesterday named as the men behind the brutal repression in Kosovo. The Ministry of Defence, which circulated their pictures, said they faced prosecution at the International Criminal Tribunal for Former Yugoslavia in The Hague. The Government insisted that the excuse of "only obeying orders" would be no defence.

The warning was issued after a Nato announcement that a Kosovo Albanian leader who took part in peace talks in Paris had been summarily executed by Serb forces. Nato said that Fehmi Agani, the main adviser to Ibrahim Rugova, the moderate Kosovo Alb-

anian leader, was reportedly killed at the weekend, together with four other prominent Albanians, including Baton Haxhiu, editor-in-chief of the daily newspaper *Koha Ditore*. However, friends said they saw Mr Agani leaving Pristina with his family yesterday morning.

The four generals directing the repression in Kosovo were named yesterday as Lieutenant General Radomir Markovic, chief of the internal security police, Colonel General Dragolub Ojdanic, Lieutenant Colonel General Pavlovic and Major General Lazarevic, the military commanders in the province.

Robin Cook, the Foreign Secretary, said there would be no hiding place for the perpe-



Agani: moderate leader reported murdered

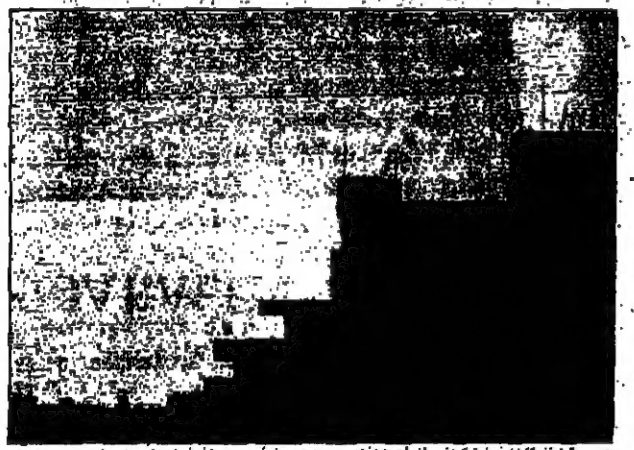
trators of the carnage. All war criminals would be brought before the "Bar of Justice". He said there was increasing evidence of "the brutality and evil of Milosevic's forces".

"To each of these commanders I say this is your responsibility. It will not be a defence to say 'I was following orders.' It will not be a defence to say 'I did not know' when you are in a position of command with a duty to know."

During the Second World War the Allies warned the Nazis that those responsible for atrocities on occupied territory faced prosecution when the war was over. The Moscow Declaration of 30 October 1943, signed by Churchill, Roosevelt and Stalin clearly warned Nazi leaders and commanders that they would be brought before a tribunal, later set up in Nuremberg in 1945, to answer for crimes against civilians. The war crimes tribunal for Yugoslavia, set up during the Bosnian war, also stated that those responsible for war crimes would be tried — though few were indicted while the fighting was in progress.

Nato said yesterday that the five prominent Albanians were killed after they attended the funeral of Bajram Kelmendi, a human rights lawyer shot dead by Serb police and dumped in the street with his two sons on Wednesday, the first night of the airstrikes.

General Markovic was appointed Head of State Security in October 1998. He is a native of Belgrade. General Ojdanic was appointed Chief of the General Staff on 6 June 1996 by the Supreme Defence Council, which makes him a Milosevic appointee. General Pavlovic is Commander 3 Army whose area of responsibility covers Kosovo and which conducts military operations against the Kosovo Liberation Army. Gen Lazarevic is Commander of 52 Corps.



Flames leap skyward as Nato jets bombard Pristina

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## BALKANS WAR: A CONTEST OF WILLS

## Serb unity is the deadliest weapon confronting Nato alliance

CLAUSEWITZ has been nudged from the 19th century into the age of CNN, but a central teaching of the Prussian strategist holds good: war is a contest of wills, and if the will to win crumbles, then the chances of victory fade.

European public opinion at the outset of the war against Slobodan Milosevic is very brittle. Even in Britain, where support for the war is the highest in Europe, public backing falls short of that for the 1982 Falklands conflict or the Gulf War of 1991. Airstrikes are ap-

## COMMENTARY

Roger Boyes

proved of, according to *The Sunday Times*-Marplan poll, by slightly more than two-thirds of Britons. But only 28 per cent believe that bombs alone will bring peace to Yugoslavia, and a narrow majority believes that Mr Milosevic's position will be strengthened.

For the rest of Europe the uneasy support for an airstrike-led war is likely to collapse as soon as

ground troops are brought into the discussion. One in two Italians is already opposed to bombardment, according to a survey. In Germany there is 57 per cent support for airstrikes, but anecdotal evidence suggests that the longer the air war continues, the more certain it is that support will fade.

It is striking how many older Germans are set against the war — they remember well enough how hard the Serbs fought against the Nazis in 1941.

The Balkan states are the most afraid of, and the most critical of,

the air bombardment. This is not a marginal issue.

Romania and Bulgaria are candidates for Nato; Hungary (now on the front line) has just joined the alliance. In Bulgaria, 56 per cent believe Nato should keep out of Kosovo.

Suddenly the three new Nato members (Poland, the Czech Republic and Hungary), which earlier this month were celebrating their admission, have found that they have to shoulder a heavy collective responsibility;

only their ancient aircraft are keeping them out of the skies.

In France, where 57 per cent support the airstrikes, the mood seems to be closer to the British. Even so, the elite is more deeply split than the general public. In Germany, as in Britain, former pacifists are pleading the case for war; cold warriors are warning against a hot war.

The Serbs, even those metropolitan liberals who despise Mr Milosevic, are focusing their anger entirely on Nato, not on the dictator. The Serbs are more united

than they have been in a decade. The same cannot be said of the Nato alliance.

The next stage of the propaganda war is therefore being worked out carefully. The Kosovo Liberation Army is talking of a "holocaust" — one of the buttons that traditionally releases emotional popular support for deeper Western involvement.

The Serbs, for their part, have reconsidered their decision to banish foreign reporters: to influence public opinion in the West they

need graphic accounts of burning hospitals and orphanages.

In the US, the pressure on the Clinton Administration is to work out an "exit strategy", the essential component for public support for any ground-troops deployment. In Europe there are no illusions about exiting easily from a war that is an hour's flight from the Continent's main summer holiday resorts. Kosovo is plainly not Vietnam. But the Serbs say of their dictator: he is a man who can hold his breath under water. How long can we hold ours?

PETER DEWING

## Primakov in peace bid

PRESIDENT YELTSIN has ordered his three most senior ministers to visit Belgrade today in a diplomatic mission aimed at ending the war in Kosovo. After days of overblown rhetoric the move constitutes the first real attempt to halt the bombing.

Yevgeni Primakov, the Russian Prime Minister, Igor Ivanov, the Foreign Minister, and Igor Sergeev, the Defence Minister, will conduct talks with President Milosevic aimed at stopping the war.

Nato member states have said that Russia, more than any other country, has a chance of persuading Mr Milosevic to agree to some kind of compromise deal.

The trip to seek a political settlement comes on the eve of Mr Yeltsin's State of the Nation address in which he is ex-

Alice Lagnado in Moscow on Russia's mission to Belgrade

pected again roundly to condemn the Nato offensive.

Aleksai Arbatov, the Deputy Chairman of the Parliamentary Defence Committee, said that it was unclear exactly what kind of a deal the Russians would propose.

He did say that Mr Primakov was expected to go straight to Washington after the talks in Belgrade, where he will discuss any agreed deal with President Clinton.

The trip is an indication of Russia's growing frustration over the bombing. Russia claims that 1,000 civilians have died as a result of the airstrikes, while at a press conference yesterday Mr Ivanov dismissed suggestions that the Serbs were following a policy

of genocide against ethnic Albanians in Kosovo. This was a rumour circulated to justify Nato's aggression, he said.

Mr Ivanov added that Russia had suspended all relations with Nato and that the Contact Group was under threat. "The aggression casts in doubt the existence of the Contact Group," he said.

Mr Arbatov said that other accords were also in danger. He said that the Partnership for Peace agreement was frozen and would be cancelled altogether, along with other arms treaties, if bombing continued. The Start 2 accord to reduce Russian and American nuclear weapons remains unratified by Parliament although it was concluded over

six years ago. Despite Russia's declaration that it does not intend to become militarily involved in Kosovo, the Parliament announced yesterday that it would meet to discuss increasing the combat capabilities of the armed forces.

Meanwhile, ordinary Russians are becoming angrier at Nato's actions. On Sunday gunmen fired at the US Embassy, which is covered with paint thrown by demonstrators. The British Embassy sent a warning to citizens to be careful and a group of foreign journalists reported having their car tyres punctured.

Russia is also angry about a report published in the *New Yorker* magazine that suggested that Mr Primakov is in the

pay of Saddam Hussein. Mr Ivanov denied the allegations and said that the article was an attempt by the West to distract from and justify Nato's actions in Kosovo.

Mr Primakov's mission was announced on the same day that he struck a deal with Michel Camdessus, the visiting IMF head, to work out an economic plan that will form the basis for new loans to Russia. It is widely expected that a loan of nearly \$5 billion (£3 billion) will be granted.

Kiev: A senior Ukrainian official yesterday said a mediating mission to Yugoslavia had returned empty-handed. "We have received no positive reply from Milosevic," the official said. "He has adopted a completely intransigent position and seems to be blind and deaf to our proposals." (Reuters)



Jamie Shea, the media face of Nato, whose self-effacing manner masks a firm hand

## Britannia rules the airwaves

FROM CHARLES BREMNER IN BRUSSELS

AN UNAWARE viewer who tunes into the daily news sessions at Nato's headquarters in Brussels could get the impression that the Western alliance is an all-British affair.

With the campaign in Kosovo, two Britons, one in RAF uniform, the other in a dark blue suit, have become known worldwide through their double-act, feeding the world media with the latest war news.

The military side is handled by Air Commodore David Wilby, a trim RAF type who is handy with a laser pointer. A

smooth media operator, he uses occasional martial levity. Asked yesterday if Nato warned Serbian civilians of impending attacks, he replied: "In this business, we don't expect to receive an invitation, and we don't send out calling cards saying we're coming."

But the star of the show is Jamie Shea, 45, a Londoner whose cockney-tinged voice has been Nato's media face for over a decade. A former university teacher, Mr Shea has a slightly self-effacing manner. But it is misleading, because, after 18 years in the organisation, he is an authoritative figure. More than just

the chief spokesman, he is also a close adviser to Javier Solana, the Secretary-General. The confidence of his boss enables him to issue warnings to President Milosevic and his commanders in polished sound-bite format.

A sentence on Sunday on Europe's worst humanitarian disaster since the Second World War made the world's front pages. His soft style masks a firm hand. When a reporter tried to barge into the session yesterday, he cut him off: "Thank you but I direct the questions here." He does the same in French, which he speaks fluently.

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BALKANS WAR: MEDIA BATTLE

# Ratings soar as viewers put faith in BBC

By CAROL MIDDLELEY, MEDIA CORRESPONDENT

THE BBC has won the lion's share of the millions of extra television viewers tuning into news coverage of the conflict in Yugoslavia.

The *Nine O'Clock News* last week became the highest rated news programme as the nation turned, as it often does in times of crisis, to the voice of the BBC.

Anchorman Peter Sissons and Michael Buerk were watched by an average 7.3 million people on the three first days of the airstrikes — an increase of nearly three million on the previous week. At its peak the *Nine O'Clock News* pulled in 8.2 million — the largest news audience this year.

The *Six O'Clock News*, fronted by Anna Ford, moved into second place adding an extra one million viewers to its ratings.

ings. It pulled in an average audience of 7.1 million compared with 6.1 million the week before.

A BBC insider said: "The audience on Wednesday night was phenomenal. We had 7.2 million for the *Six O'Clock News*, 5.8 million for the special report at 7pm and 8.2 million for the *Nine O'Clock News*."

By contrast, the new *ITV Evening News* programme, anchored by Trevor McDonald at 6.30pm, actually lost viewers according to average figures for Wednesday, Thursday and Friday last week.

Despite a flying start when it was launched earlier this month, *ITV Evening News* pulled an average of 6.3 million viewers in the first three days of the war — 100,000



A pro-Serb demonstrator in Bucharest yesterday with a banner attacking perceived Western media distortion

down on the same period the previous week. However, the conflict helped *ITV Nightly News* at 11pm, which replaced the axed *News at Ten*, pull its biggest audience so far. Last Wednesday 5.3 million viewers tuned in, compared with the usual 3.6 million.

Channel 4 News, which recently underwent a £3 million revamp, has seen viewing figures leap, gaining a third more viewers since the crisis began. The programme, hosted by Jon Snow, normally attracts an average audience of 900,000 but that grew to an average of 1.2 million after Nato airstrikes began.

Sky News has more than doubled its audience because as a rolling news service it can provide continuous live coverage of events. More than two million viewers tuned in over the three days after the conflict started, peaking at 10.15pm on Wednesday after the first wave of attacks.

The BBC's *Newsnight* is leading the current affairs ratings battle. Its audience has surged by nearly 50 per cent to 1.6 million since the war began.

The public has so far shown none of the signs of war fatigue experienced during the Gulf War in 1991.

Then, programme controllers were forced to reduce extended programmes after viewers complained that Operation Desert Storm was receiving saturation coverage and they did not want normal programme schedules to be disrupted.

News executives at all the main channels believe that the public is more interested in the current crisis because it is closer to home.

"We are showing places being bombed close to where they have been on their holidays and that tends to keep the concentration span going," said a senior BBC source.

In 1991 viewers were watching an extra three hours of television a week during the war and this time early estimates indicate that this figure will be exceeded.

Media analysts believe that the BBC has put on most ratings because it has a place in history as a trusted source of accurate information during wartime.

## MPs are bounced from barbarity to the price of milk

MATTHEW PARRIS  
POLITICAL SKETCH

The world seems to be producing more news than we can consume. The Prime Minister was forced yesterday to make a glibly bumper statement to the Commons, bundling up the war in Serbia with the recent EU settlement on agricultural, budgetary and other matters in Berlin.

A surreal hour. MPs bounced from massacre in the Balkans to the price of milk. Tony Blair got a bigger cheer for news that Cornwall, West Wales and South Yorkshire qualify for Objective 1 status, than he did for his chilling statement that "for every act of barbarity, every slaughter of the innocent, Milosevic must be made to pay a higher and higher price".

This potpourri of the domestic and the macabre ended in a Tory attempt to trigger a by-election which raised humbuggery to levels causing even MPs' eyes to water.

Through the fog of war in Kosovo, complained John Wilkinson (C, Rushmoor) "it becomes difficult to discern events at the European Council in Berlin". Blair did his best to be majestic on cereal prices but he sounded perfunctory and looked shattered. Too tired to puff his achievements in Berlin, he hardly denied it was at best a hard-fought draw. Were politics a Sony Playstation game, the warning "Emergency! Hype-reserves running low!" would now be flashing up on Blair's personal screen.

But not Donald Anderson's. The Chairman of the Foreign Affairs Select Committee called Berlin a "triumph". If this is what Mr Anderson calls a triumph, what would he call a triumph? But even William Hague could not pretend convincingly that it was a disaster. Nobody mentioned duty-free, sucked into that

black hole where certain six-day sensations mysteriously disappear.

On Kosovo Blair did not lack passion, though defensive and with a hint of despair. He protested angrily that it was "simply absurd" to say that ethnic cleansing had been caused by the Nato bombing — before anyone said it had. When Sir John Stanley (C, Tonbridge & Malling) doubted Blair's assurance that this was a long-established Serb plan, Blair's face and voice registered something close to rage: the first time I have seen this.

Poor Mr Blair. William Hague urged him forward with ifs and buts and Bowen Wells (C, Hertford & Stortford) urged him back. Sir Alastair Goodlad (C, Eddisbury) told him to hurry up and bomb harder, while Sir Peter Tapsell, the Tory MP for Louth, Horncastle & Desing, crying Halt, called him tragic, inept, illegal, botched and "stupid as the Kaiser". Blair replied with irony: "If I can pick one point we agree on..."

A patchwork of opinion, but at least they all meant it. The Tories then tried to trigger an early by-election in Newark. Opposition Chief Whip James Arbuthnot broke his whip's silence to loose off a barrage of cant, affecting high indignation about Newark's former MP's conviction exceeding her campaign expenses.

There can hardly be a Member unaware of the devices employed by ancient custom and practice to dodge legal ceilings on expenses, but Tories rolled their eyes in moral horror. MPs switch sincerity on and off. You and I know they mean it about Kosovo, but not about Newark. But how is your ordinary Serb to tell?

## Saturation coverage leaves couch potatoes in the dark

By PAUL HOGGART

DISTANT explosions, weeping refugees, correspondents in peril — there is nothing like an allied airstrike to galvanise television news into a hyperactive frenzy. Twenty-four-hour news channels blossom like deserts after rain. It is sometimes difficult to see what these channels are for, quite frankly. What sort of strange anorak watches them for any length of time? A nice little war, however, seems to

justify their very existence. The terrestrial channels catch the bug too, with BBC2's *Newsnight* running extended editions and producing a special snazzy logo. But they are curbed by schedules: Sky News, CNN and BBC News 24 can really get stuck in.

After a day's fevered channel-flipping, I can authoritatively say that there is not much to choose between them. CNN may have the widest range of correspondents, but all three cover the same locations: Belgrade,

Macedonia, the Albanian border, Italian air bases, Nato headquarters, Washington and London.

Sky News told me proudly that their Aernout Van Linden was one of only two correspondents in Montenegro (the other was Swiss or something which hardly counts). But the BBC has just sent a man there, they told me indignantly, and before that they used a stringer. Only CNN can boast a Washington correspondent called Wolf Blitzer, which takes some

beating. Watching the news unfold, you realise the problem. Each channel has to unfold a gripping narrative over which it has no control.

The air of dramatic urgency must be whipped up and sustained, when often there is nothing to report. As I zapped from channel to channel, they zapped from a UK airbase where four B52s had taken off, possibly to Louisiana to stock up on cruise missiles (we await confirmation) to Moscow where the Prime Minister was

about to leave for Belgrade and possibly another capital (we await confirmation) to the Albanian border where crossing points were possibly being closed (we await etc).

Viewers obsessed with the war should avoid BBC News 24: its coverage is constantly interrupted by other news stories. Sky showed more gusto, with Francis Tusa, who knows where all the buttons are on a Harrier's joystick, but for most of us one evening bulletin should be enough.

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# Police 'covered up' A6 murder evidence

POLICE withheld vital evidence in the trial of James Hanratty, who was hanged in 1962 for the "A6 murder", according to investigations by the new inquiry into miscarriages of justice.

Yesterday, as the Criminal Cases Review Commission announced that it was sending the Hanratty case back to the Court of Appeal, campaigners said that the commission had acted after uncovering documents unseen for 37 years.

Hanratty, 25, was executed in Bedford prison for the murder of Michael Gregson. The new appeal is a victory for relatives and friends who have campaigned for years to clear his name.

Hanratty was convicted of murder at the end of an 11-day trial in

**Inquiry orders new appeal to be heard, 37 years after James Hanratty's death, reports Stewart Tendler**

which it was claimed that he disturbed Mr Gregson and his mistress, Valerie Storie, in a field near the Thames at Dorney Reach, Berkshire, in August 1961, then forced them to drive to Deadman's Hill, south of Bedford, where Mr Gregson was killed. Miss Storie, then 22, was raped, shot and left for dead.

The Morris Minor the couple was using was driven off and later found in Redbridge, East London. Miss Storie was paralysed from the waist down, but was able to give the key evidence against Hanratty.

Yesterday Geoffrey Bindman, the lawyer for the Hanratty family

since 1972, said that the commission had sent him a brief report disclosing the reasons why the case is going to the appeal court.

Mr Bindman said that some of the official documents found by the commission disclosed "startling, astounding information". A Home Office review 12 years after the murder did not apparently uncover them, and Scotland Yard has always refused access to files on the investigation.

"The amount of information not disclosed by the prosecution at the trial is very substantial and it is clear that, if that material had been disclosed, James Hanratty would

not have been convicted," Mr Bindman said.

The commission also found that the identity parade at which Hanratty was picked out was flawed, and Mr Bindman said that the commission found senior police officers had clearly withheld vital information from the defence and the Crown.

Mr Bindman said that the first police interview with Miss Storie was never disclosed and put to the trial, although it showed discrepancies in her memory of events.

He said that the commission also found that police knew from the speedometer of the Morris Minor

that it had made a much longer journey between the scene of the murder and Redbridge. The details were recorded in a police pocket-book.

Two witnesses claimed to have seen the car in Redbridge driven by Hanratty a few hours after the murder. But there were also 11 other witnesses who saw it as far north as Derbyshire. The mileage figures support the 11 witnesses, meaning that Hanratty could not have driven to Redbridge by the time he was allegedly seen.

Mr Bindman said that police had known that a woman with a Morris Minor resembling the victims'

car parked it regularly in the Redbridge area where Hanratty was supposed to have been seen.

"This is not a case of something being remembered 30 years later. This was all known at the time," Mr Bindman said.

Yesterday James Hanratty's brother, Michael, said that he was delighted by the referral, but "it makes me sad it has taken all this time".

"My father always said that, if we could get the papers, we would solve it. We have had 37 years of cover-up. Jimmy, on his last day, said the police framed him."

No decision has yet been made

by the Crown Prosecution Service whether to contest an appeal. After the original trial, the Court of Appeal turned down Hanratty's appeal against his conviction. Twelve years after his death, Roy Jenkins, then Home Secretary, ordered a review, which concluded that the conviction was safe.

In 1996 a Scotland Yard review decided there were doubts over the conviction and in 1997 the commission agreed to take up the case.

The Commons Select Committee on Home Affairs yesterday praised the work of the commission, but said that some prisoners were likely to finish their sentences before their cases were dealt with.

Law, page 35

## Food that cuts cholesterol has a fat price

By HELEN RUMBELOW

EATING four daily teaspoons of Finnish wood pulp disguised as a margarine may lower cholesterol, but it will cost as much as the rest of your breakfast.

Benecol yesterday became the first food to go on sale in Britain with a manufacturer's claim that it acts like a medicine and has proven medical benefits. It can cut cholesterol by up to 10 per cent and so re-



Benecol: pining for health

duce the risk of heart attacks by a third, say its makers. This has health educators worried that a new trend in "nutraceuticals", or medicine foods, will persuade the public to pay higher prices instead of trying to lead a healthy lifestyle. The British Heart Foundation said that people should concentrate on exercising, eating a low-fat diet and not smoking.

Benecol is made from plant sterols, a waste product of the

pine processing industry and produced in Finland by Raisio, a paper manufacturer. It is different from low-cholesterol margarines, as it "helps actually to lower cholesterol". Plant sterols pass through the body, dragging cholesterol stored in the gut with them.

For those who can stomach eating an ounce of the yellow paste a day but balk at the price — 40p for the recommended serving, five times the price of butter and margarine — it tastes very much like ordinary margarine. A 250g tub will cost £2.49, with the cream-cheese version 50p more expensive. Flora Vegetable Spread is 47p and Anchor Spreadable Butter 99p.

Raisio says its price is cheaper than healthcare for a damaged heart. It has escaped EU procedures that are holding up the rival Flora Pro-Activ because Benecol has already been on sale in Finland for four years. Britain was chosen as the first country of export because 70 per cent of adults have raised cholesterol. The next target is the United States.

There are fears that it may slightly prevent the gut absorbing vitamins such as D, so it is not recommended for pregnant women and children.



The 7th Marquess of Bath was joined yesterday by the television presenters Trude Mostue, left, and Suzanne Dando to celebrate 50 years of opening Longleat to the public

By ALAN HAMILTON

IT SEEMED at the time like a P.G. Wodehouse story come to life. There was one of England's eccentric aristocrats, kitted out in baggy old corduroys, collecting the half crowns of *hai polloi* so that they could gawp at the inside of his house. So demeaning, don't you know.

Fifty years to the week since the 6th Marquess of Bath became the country's first stately-home owner to let in the common herd, Longleat has had the last laugh. One of the great Elizabethan houses of England remains intact and in the family, thanks to Lord Bath's ruthless exploitation of base commerce. Equally

## Scions of Longleat take pride in 50 years of stately progress

well preserved is the family's reputation for unconventional behaviour. The present marquess, formerly the bearded Viscount Weymouth, who gained fame with his harem of up to 60 "wifelets", celebrated the anniversary yesterday by publishing the first six volumes of his autobiography on the Internet.

Necessity drove the 6th Marquess to become a pioneer of top-drawer

showmanship in 1949. On the death of his father three years earlier, he had inherited from the Inland Revenue a demand for death duties of £600,000, a colossal amount that, even if he could have paid it, would have left him little with which to maintain the house of 100 rooms.

He furnished the house as it had been in 1914 and, on April 1, stood on the front steps with the then mar-

chioness, his first wife, Daphne, to welcome the first curious and faintly bemused tourists. It was, at first, a family affair. The marchioness had written the guidebook, and their young children were deputised as tour guides or car park attendants.

By 1957 Longleat had clocked up its millionth visitor. But maintaining the numbers called for imagination and showmanship: in 1966, Lord

Bath went into partnership with the circus owner James Chipperfield, fenced off 25 acres of Capability Brown's grounds and introduced 12 lions to the country's first safari park.

Longleat's quest for ever more numbers continues. Visitors can now see the 7th Marquess's collection of murals. He said yesterday that he hoped his website would attract more visitors.

The 6th Marquess, who failed to get into Eton, was sent instead to Harrow, where the Head Master described him as "moronic beyond reach". Harrow nil, Longleat one.

Leading article, page 19

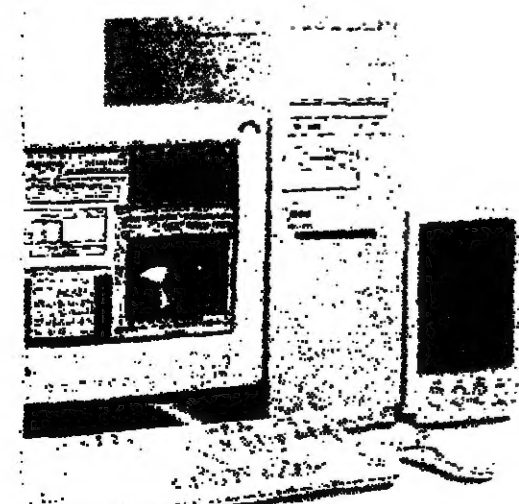
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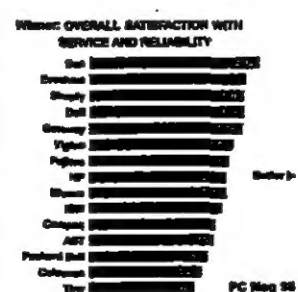
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### NEWS IN BRIEF

#### Pinochet challenge delayed

General Augusto Pinochet was given permission by the High Court to challenge Jack Straw's decision to authorise extradition proceedings. The judicial review was, however, adjourned until after April 15 to give the Home Secretary time to consider the law lords' ruling last week that greatly reduced the number of charges on which the former Chilean leader could be extradited. Jonathan Sumption, QC, for Mr Straw, said the minister wished to reconsider the case and hear submissions from the opposing parties afresh. "With a blank sheet of paper".

#### Barristers to pay

Incompetent and rude barristers will pay up to £2,000 compensation to clients under proposals shortly to go before the Bar Council. At present, compensation for poor service can be claimed only if it has caused a loss that would be recoverable in the courts.

#### Killer convicted

A court in Beersheba convicted Daniel Okev of murdering Jeffrey Hunter, 22, a British tourist also known as Max, and wounding Charlotte Gibb, 20, in Israel in 1997. Okev, to be sentenced later, was said to have been mentally damaged by his time in the army.

#### Vaccine drive

More than 300 nursery school children and adults have received meningitis vaccinations after five cases of a virulent strain in Brighton. A two-year-old died last week from C-type meningitis. Two mothers and two children have since been admitted to hospital.

#### The sign of one

A police force's register for officers to declare membership of secret societies has attracted only one signature. Derbyshire Constabulary set up the voluntary list for its 1,700 officers in November 1997 to be available to the public at the Chief Constable's discretion.

## Osteopath assaulted patients

AN OSTEOPATH burst into tears yesterday as a jury convicted him of indecently assaulting three women patients (Russell Jenkins writes).

Michael Locan, 38, faces jail and a professional ban for the attacks, in which he exposed himself or fondled patients. He had been practising osteopathy for only a year after deciding at the age of 31 that he no longer wanted to be an in-

surance salesman. His wife, Victoria, supported him while he studied for five years.

Minshull Street Crown Court, Manchester, was told that the assaults took place at a practice in Stockport where Locan worked one day a week.

A 38-year-old teacher said that he massaged her back rather than her injured shoulder and then exposed himself. A hospital dietician said that af-

ter she stripped to her underwear, Locan brushed past her up to six times while exposing himself. The third woman, an office worker, went to police after being treated by him.

Sentencing on Locan, of Hale, Cheshire, was deferred. The General Osteopathic Council said he had applied to join the body but a decision had been delayed pending the outcome of the trial.

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# IRA reveals graves of 'disappeared'

Move could improve chances of Blair and Ahern rescuing peace process, writes **Martin Fletcher**

THE IRA announced last night that it had identified the unmarked graves of nine people it abducted and killed during the 1970s.

The announcement came after the British and Irish Governments issued statements saying evidence procured in recovering the remains of the "disappeared" would not be used in prosecutions. The IRA apologised for the "prolonged anguish" caused to the victims' families.

The move coincided with the arrival in Belfast of Tony Blair and Bertie Ahern, the Irish Prime Minister, on a last-ditch mission to save the Good Friday peace accord. Before embarking on talks with party leaders that are expected to last throughout today, Mr Blair said that failure to implement the accord because of the deadlock over IRA disarmament would be "the greatest betrayal of the people I could think of... We have come a very long way indeed and I can't believe we're going to throw it all away."

Government sources said the IRA's gesture would improve the atmosphere at the start of a critical week that could see the accord collapse unless the deadlock over disarmament can be broken. "If it brings relief to the families, it can't come a moment too soon," one source said.

Three of the graves are believed to be those of Jean McConville, Brian McKinney and John McCloy. Mrs McConville, a widowed mother of ten young children, was abducted from her flat in West Belfast in 1972 after she comforted a dying soldier. Mr McKinney and Mr McCloy were 22 and 18 when they were abducted by the IRA in 1978 after they helped to rob an IRA-run bar in West Belfast. None of the three was seen again.

Last year the IRA expressed regret over its missing victims and said it was searching for their remains. There are at least a dozen others known to have disappeared, including Robert Nairac, the SAS captain seized outside a South Armagh pub in 1978 while working under cover.

Mr Blair and Mr Ahern last night began a string of intensive meetings at Hillsborough

Castle in a desperate attempt to broker a compromise on decommissioning. President Mandela of South Africa telephoned David Trimble and Seamus Mallon, Northern Ireland's First and Deputy First Ministers, to offer his support. Mo Mowlam, the Northern Ireland Secretary, said that the Prime Ministers' involvement could help, but cautioned that they brought with them no magic formula. Mr Ahern said he could offer no guarantee of success. Mr Trimble and Gerry Adams held yet another long meeting, but there was no sign of them bridging the gulf between them.

Mitchel McLaughlin, Sinn Féin's chairman, reiterated that Unionist demands for IRA disarmament were unrealistic. Mr Trimble's Ulster Unionist Party, which will not sit in an executive with Sinn Féin until disarmament has begun, said it was abhorrently clear that the failure to commence decommissioning and the continued retention of private armies violated the accord.

There was speculation that the IRA would seek to wrong-foot Mr Trimble with a statement that would sound promising, but would stop short of the downpayment of weaponry that Mr Trimble is demanding.

There was also speculation about future moves in the likely event that the IRA does not begin disarming. Dr Mowlam has said that she will trigger the mechanism for establishing the executive tomorrow or Thursday, come what may, but there was considerable doubt that she would take a step that could well precipitate Mr Trimble's resignation and destroy the peace accord.

Mr Trimble could seek to pre-empt such a move by exercising his right to ask for a government review of the accord. Alternatively, he could refuse to nominate any Unionist ministers and resign himself in the belief that Dr Mowlam would not devolve power from London to an entirely nationalist executive. Or he could establish an all-party executive that includes Sinn Féin, but convene no meetings, which would also probably prevent Dr Mowlam devolving power.

Michael Gove, page 18



Mary McCloy, left, and her neighbour Margaret McKinney holding photographs of their sons, John and Brian, who were abducted by the IRA in 1978

## 'Don't turn us into another Kosovo'

Audrey Magee visits Armagh, where the optimism engendered by last year's Good Friday agreement has been replaced by tension and the dread of war

ARMAGH, the ecclesiastical capital of Ireland, was in a nervous mood yesterday as people watched events unfold in Stormont and Kosovo.

"Take your pick," said a 42-year-old Roman Catholic woman. "We can go one way or the other. Politics, or end up like those poor people in Kosovo — being bombed and burnt out of our homes."

The woman, who, like many in Armagh, declined to be named for fear of reprisals, said that people were "frantic with worry" that their politicians would not find a solution, that the talks would founder and that war would start again.

"It used to be around here

that we were afraid of the bombs. Armagh was attacked a few times. But now we're afraid of the future and it's hard to know which is worse," she said.

The future should be dazzling for Armagh, a beautiful town declared a city four years ago by the Queen.

It is the centre of the Protestant and Catholic Churches in Ireland. Two cathedrals dominate the city's skyline, both named after St Patrick, who

founded the city in 444. Georgian buildings rival those found in Dublin, and the city is blessed with libraries, parks and nature trails.

But because of its location, the city is sought out by only a handful of the bravest tourists. Portadown, where Orangemen are still protesting over the right to march down Garvaghy Road, is ten miles away. Lough Gall, where eight IRA members were shot dead by the SAS in 1987, is five miles away.

There are marginally more Catholics than Protestants in the city of 15,000, and relations between the two communities improved dramatically in the wake of last year's Good Friday agreement. One woman, however, said that tension was replacing optimism and that "people are keeping themselves to themselves these days."

One Protestant man who voted for the peace agreement last year is now deeply op-

posed to the entire process. Banned out of business by the IRA in 1973, the 66-year-old shoe retailer finds it impossible to support the lack of movement on decommissioning.

"If I had known they were going to let them blaggar out of jail so easily, I would not have said 'Yes'," he said. "I have always been a Unionist, always supported the Ulster Unionist Party. But not any more. David Trimble has not been firm on anything. He compromises on everything."

Herbert Cassidy, the Dean of Armagh, is in charge of the impressive Church of Ireland cathedral built in 1268. He is also caretaker of the wonderful library built by Archbishop Robinson in 1771, which is now home to 25,000 antique books. The books provide a retreat from the endless hours of negotiations undertaken by the Protestant and Catholic Churches in Armagh to secure the peace process. Dean

Smith now sees their hard work teetering on the brink of failure.

"I think everybody is hoping that they will pull a rabbit out of the hat like last Good Friday," he said.

"But everybody in the Unionist community would be fearful that there will be no movement on decommissioning and the only animal coming out of this year's hat will be a fudged rabbit."

There are rumours flying around that Trimble is in danger of losing his seat at the next election. He has come a long way from his earlier years, but I think he is in danger of losing sight of his troops and getting so far ahead that he has left them behind.

But Maire Gallagher, a Catholic solicitor and SDLP voter insists on being optimistic. "We can't let it go backwards again," she said. "We have too much to lose for our children, our businesses and ourselves."

"It broke my heart when the bombs went off at the end of the last ceasefire. It can't happen again. Kosovo should remind us of how terrible it can be."

### NEWS IN BRIEF

#### Isle of Man acts to curb drugs use

The Isle of Man is acting to combat the alarming rise in the use of illegal drugs. Five years ago heroin and Ecstasy were virtually unknown there; today drug dealers lured by profits higher than those on the mainland are preying on the pubs and clubs of Douglas.

Donald Gelling, the Chief Minister, has drawn up a five-year anti-drugs strategy. Customs officers, who already patrol the Irish Sea in search of heroin smugglers, several times a week, are to be given the resources for night patrols, using intelligence co-ordinated with mainland forces. Ferry passengers can expect closer scrutiny by an expanded drugs squad. Dealers are to be severely punished, and money launderers will also be targeted.

#### Alert on IVF

The fastest-growing test-tube fertilisation technique may produce babies with abnormal sex chromosomes, according to American researchers. A study of rhesus monkeys showed that intracytoplasmic sperm injection altered sperm behaviour and could also damage eggs.

#### NHS to help jails

Healthcare in jails is to be upgraded for the first time in 50 years to help make inmates healthier and less likely to re-offend on release. The Prison Service is to share the task of caring for patients with the NHS for the first time. A report said medical care in jails had fallen behind.

#### Wife sentenced

Victoria Wood, 56, of Harbertonford, Devon, who admitted an attempted mercy killing of her husband Timothy, 69, was sentenced to two years probation at Exeter Crown Court for attempted murder. Mr Wood, a former teacher, had suffered from irreversible dementia since 1993.

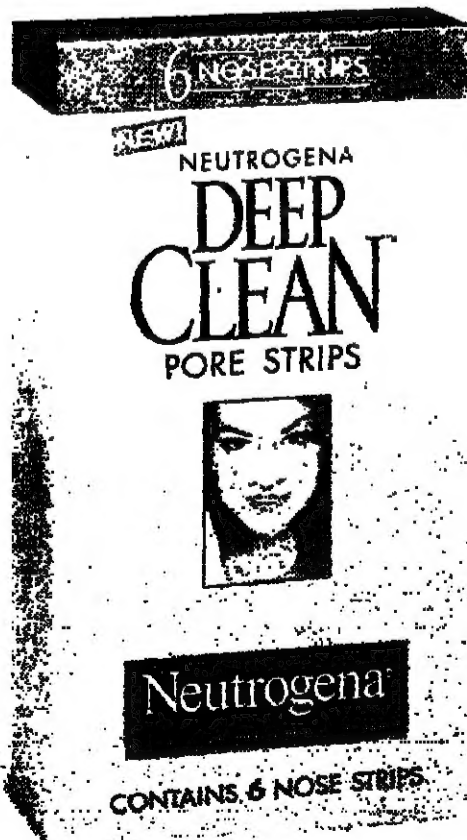
#### Pay warning

The Government should delay paying teachers according to performance until after the next election or risk a backlash that could wreck its drive to improve standards. Peter Smith, general secretary of the Association of Teachers and Lecturers, told the union's annual assembly in Harrogate.

#### Dome theatre

Skyscape, the 5,000-seat annex to the Millennium Dome, will house Britain's largest theatre, showing a film on British humour by day and musical performances at night. It is receiving £12 million sponsorship from BSkyB, an associate company of News International, owner of The Times.

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#### Children see nature for free

By SUSIE STEINER

THE Natural History Museum was the first to allow children in free yesterday, for the first time in 11 years. A further 20 museums will follow on Thursday.

The move is the initial phase of the Government's manifesto to make all national museums and galleries free to the public, after charging was introduced in 1988. Pensioners will be allowed in free next year.

The Government wants to see adult charges dropped in 2001-02 and is discussing funding with museum trustees. Some £20 million has been set aside to compensate the museums for loss of income.

Of 30 national museums and galleries in England and Wales, eight — including the British Museum, Tate Gallery and National Gallery — chose to retain free entry.

Among those going free this week are the National Portrait Gallery, the Cabinet War Rooms, the Imperial War Museum and all the museums and galleries on Merseyside. The Science Museum is expecting a rush on its turnstiles when it goes free on Thursday.

#### NET LINKS

[www.lahm.co.uk](http://www.lahm.co.uk) National History Museum  
[www.jama.org.uk](http://www.jama.org.uk) Imperial War Museum (with links to Cabinet War Rooms)  
[www.national.ac.uk/nsmpt.gst](http://www.national.ac.uk/nsmpt.gst) National Museum of Science and Industry (including Science Museum, National Museum of Photography, Film and Television, National Railway Museum)  
[www.culture.gov.uk](http://www.culture.gov.uk) Department of Culture, Media and Sport website which has details of free entry

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# Rejected lover guilty of model's murder

A FORMER Israeli soldier who murdered a model because she wanted to end their affair was jailed for life by an Old Bailey judge yesterday.

Kadamba Simmons, 24, a former girlfriend of Liam Gallagher, the Oasis singer, was strangled by Yaniv Malka, who then tried to prove that her death had been part of a suicide pact.

Her only starring role had been in a shampoo commercial, but Miss Simmons' looks and penchant for celebrity boyfriends ensured that her name was on some of the most exclusive guest lists.

She was 14 when the pop star Matt Goss, spotted her at a London bus stop, and, believing her to be older, sent a reminder to ask her for a date. She reminded him of a 1930s film star, he said later.

The teenager, who had attended theatre school, needed little encouragement to join the party set. The daughter of a lighting cameraman who took her on to film sets, she dreamt of an acting career.

A modelling job for Martini followed, she became a Pan-

**Adrian Lee and Richard Duce on a life sentence for ex-soldier who said death was part of suicide pact**

tene shampoo girl and landed a few bit-parts in films. In *Mary Reilly* she had a minor role as a prostitute, alongside Julia Roberts.

However, she was known better for the arms on which she was seen. After Goss, then enjoying huge fame, came Gallagher. In her words, they enjoyed a "sexy rock star fling". She also dated the boxer Prince Naseem Hamed.

Miss Simmons experimented with cocaine and neglected her education, but she had another side. During her time with Hamed, she converted to Islam and developed an interest in spiritualism, mysticism and other cultures. The name Kadamba means "flower of enlightenment" and, after she visited India, friends detected a change in her outlook. They describe how she returned to London and began embracing beggars in the street and sensed

ings for him subsided. The former soldier, however, was obsessed. He bombarded her with telephone calls from Germany and eventually followed her to England, arriving last June with armfuls of luggage and £3,000.

He told immigration officials that he intended to marry her and swept her off her feet when she met him. Miss Simmons had arranged to borrow a friend's flat in Islington, North London, perhaps hoping to break it to Malka gently that their relationship was finished. The night before she was killed she told her father, John: "He is a loser. I don't want to end up with a loser." The next morning she was dead.

Her naked body was found hanging in the shower. To make it appear as if he, too, had tried to kill himself, Malka left behind a trail of blood, knives and a cocktail of pills. He claimed that the couple had agreed on a suicide pact because they could not stay together.

Malka told police: "I have killed my angel."



Dreams of stardom: Kadamba Simmons in a scene from the film *Wonderland*

## Skiers are cleared of avalanche negligence

FROM SUSAN BELL IN PARIS

THREE British skiers who strayed into a high-risk avalanche area were acquitted by a French court yesterday of endangering lives by negligence.

The men were charged after a series of avalanches triggered by reckless skiers. Prosecutors had urged jail sentences, to deter irresponsible behaviour on the slopes.

Guy MacBride, 37, of Windsor; Jonathan Fairley, 38, of Marlow, Buckinghamshire; and Paul Crowther, 34, of Willesden, North London, were trapped on a Val d'Isère black run in February.

They said they were disoriented by bad weather. Rescuers guided them to safety by shouting instructions through a loudspeaker. Shortly afterwards the area was engulfed by an avalanche.

The businessmen repaid the £350 cost of the rescue operation. They were not in court to hear the verdict.

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# Fight expulsion, peers told

Hereditaries are urged to back protest at 'flawed' Lords reform, report James Landale and Mark Inglefield

HEREDITARY peers were urged yesterday to resist their expulsion from the House of Lords until they had ensured that a better second chamber would succeed them.

Lord Cobbold, an hereditary crossbencher, told the Lords: "Before allowing ourselves to be ejected from the House, I believe we have a paramount duty to the British people to satisfy ourselves that a successor second Chamber will be better, more efficient, more democratic, more representative, more effective and more respected than the House is today."

Lord Cobbold was speaking during the first day of a two-day second reading debate on the House of Lords Bill, which will scrap hereditary peers' right to sit and vote. More than 180 peers have put their names down to speak.

Before a packed House, Lord Cobbold urged peers to back his amendment to the Bill during a vote later tonight. The amendment, which has no legislative impact, "regrets that the Bill radically alters the historic composition of the House of Lords for party political advantage, without consultation or consensus on the successor House's role and composition and without making it more democratic".

Lord Cobbold insisted he was not against reform but complained that it was being rushed. "What really sticks in our throats is being summarily removed from the House without prior public consultation or consensus as to the future House's role and composition," he said.

"If hereditary membership of the House has any value it must surely be as the longstop guardian of the British constitution and the rights and liberties of her people."

Baroness Jay of Paddington, the Leader of the Lords, said the Bill marked a "profound change which the Gov-

ernment feels is long overdue". It was, she said, "an historic document" which was "simple and straightforward".

It made clear, she said, that "no one can inherit a preordained, reserved seat in this House. Membership must be a jealously protected individual privilege."

She said: "In this Chamber we still confront an ossified system whose days were numbered in the 1900s. In this, the last few months of the 20th century, the Government believes we must finally close the political chapter of the 19th."

She said: "The British are justly proud that we have often led the world in establishing the principles and practice of good government. But we are now alone amongst advanced democracies in permitting hereditary membership of Parliament. I am not encouraged to discover that the only other parliamentary assembly which has a system anything like your Lordships' House is the Lesotho Senate."

Some 22 of the 33-strong Lesotho senate are hereditary tribal chiefs.

where it will all end." Lord Strathclyde said the Tories would allow the Bill to have a second reading. But he said the Tories would back Lord Cobbold's amendment.

He challenged the Government's claim that it was making the Lords more democratic and representative. "Where's the democracy in a letter from the Prime Minister dispensing his patronage? For 'ancient privilege', read 'modern patronage'."

Lord Rodgers of Quarry Bank, the Liberal Democrat leader, criticised the Bill and the Weatherill amendment. He said the proposal was "riddled with anomalies" and asked whether it would mean a "self-perpetuating block" of hereditary peers with a right to "constant replenishment".

Lord Carrington, a hereditary peer and former Tory Foreign Secretary, backed a wholly elected chamber. "Some of us hereditary peers believe some of the noble lords who sit opposite (on the government benches) and who are basically placemen of the Labour Prime Minister are no more qualified to sit in this House than we are," he said.

He said the Government's plans would result in a "mish-mash of nominated, elected and no doubt a sprinkling of religious leaders, and it will all be a sort of muddle".

Lord Richard, the Labour leader in the Lords, said the new second chamber should be partly elected and partly nominated. "It would have enough legitimacy to do its job, but not enough to challenge the Commons," he said.

"In reforming the second chamber, our aim should be to strengthen Parliament as a whole," Lord Richard said the objective of a new second chamber would be to "reduce or counterbalance that centralised power".

Letters, page 19

**'What sticks in our throats is being removed without consultation or consensus as to the future'**

— Lord Cobbold

Lord Strathclyde, the Tory leader, said it was absurd to debate the Bill in its current form because it did not contain the so-called Weatherill amendment. This deal, which will be introduced during the Bill's committee stage in April, would allow some 91 hereditary peers to stay on temporarily.

"Am I the only one in this House who believes there is something perfectly ludicrous in what we are doing today?" Lord Strathclyde said. "We are in Wonderland where nothing is quite what it seems."

He declared: "This whole saga has an air of unreality to it and no one knows quite



Lord Cobbold at home at Knebworth House: his amendment will be voted on tonight

## Like father, not like son

FOR Nicholas and Alexander Monson, yesterday's debate was a tantalising yet poignant taste of what might have been.

Father and son watched as peers debated the finer points of the constitution, joining several other eldest sons of hereditary peers, most of whom exercised their little-known right to sit on the steps of the Throne to listen. They were all acutely aware that they were watching their ancient birthrights begin to pass into history.

Nicholas, 43, had until recently expected to succeed his father and become the 12th Baron Monson.

And he in turn had expected his son, Alexander, 15, to succeed him to the title which dates since 1728. Monsons have served monarchs for even longer: one ancestor, John, was Henry V's quartermaster at Agincourt.

To mark the day when the Bill arrived in the Lords, Nicholas treated his son to lunch

with his grandparents in the Lords. Although he recognises that hereditary peers should probably go, he mourns their passing with some emotion. "I did feel a certain frisson run through me as the debate went on," he said. "We were clearly attending our swansong."

No one knows how long the right has existed. But eldest sons are encouraged to listen to debates as a sort of political apprenticeship.

### NEWS IN BRIEF

## ID card 'revolution' in public services

PEOPLE will soon be able to use personal identity cards to buy car tax, driving, television and fishing licences, or to complete tax returns and birth certificates. Jack Cunningham, Minister for the Cabinet Office, will announce today that smartcards will offer people a better deal.

Within five years ministers expect that more than half of all contacts between officialdom and the public will be dealt with electronically. People will be able to use libraries, supermarkets, schools, digital televisions or home computers for their business with central and local government — from paying council tax to finding out benefit entitlement. Marking today's launch of the long-awaited *Modernising Government* White Paper, Dr Cunningham confirmed: "Smartcards will be part of the process. But they won't be compulsory."

## BBC loses listeners

MPs were told that the decision to move the main parliamentary coverage on Radio 4 has cost the BBC more than 3 million listeners. Denis MacShane (Lab, Rotherham) wrote to Sir Christopher Bland, the BBC chairman, to protest that moving *Yesterday in Parliament* from the *Today* programme to long wave only has cut its audience from 3.13 million to 830,000. *The Week in Westminster* is down from 658,000 to 227,000 after moving to Thursday evenings.

## Child poverty trap

Two in five children in the UK are born into poverty, a Treasury report shows. It adds that the number living in households with less than half the average income has tripled in the last 20 years to four million. Up to 25 per cent never escape poverty. Men whose fathers were unemployed are twice as likely to be unemployed for a year or more between 23 and 33. The Government has pledged to wipe out child poverty within 20 years. Letters, page 19

## Tories' healthy option

The Tories have put forward plans for a significant extension of private healthcare backed by tax relief for insurance and health savings plans. Alan Duncan, Shadow Health Minister, argued that the NHS was unable on its own to meet the demands put on it. In a speech to the Social Market Foundation in London, he argued that the private sector and individuals should make a much bigger contribution to healthcare.

## Lord Brooke of Alverthorpe

A report (Tony's cronies stay at home, February 23) criticising the poor voting record of some Labour life peers was accompanied by a table showing voting records. Lord Brooke was named as one of the peers with the worst records. In fact, he has been seriously ill and undergoing intensive medical treatment (including two operations) since May 1998, but nevertheless has voted in more than 40 per cent of divisions. We are happy to put the record straight and apologise for the distress and embarrassment caused to Lord Brooke.



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IN BRIEF

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# Theatre is poor show for young, says Ayckbourn

THE playwright Sir Alan Ayckbourn yesterday accused the Royal National and Royal Shakespeare theatres of "ghettoising" children with "a nice Christmas show" and education programmes.

Sir Alan, 59, whose work is played in more than 50 countries and in 35 languages, and who has written 41 dramas for children, said that activities for British children paled against those in Germany and Russia. His own plays for children had had more stagings in Germany than here.

He called for the national companies to stage three or four plays a year to inspire tomorrow's audiences with the "magic" of the live performance. "We are disgraceful in our provision for children", he said. "We have an appalling record."

He pointed out that Britain's two specialist children's theatres — Polka and Unicorn — had just had their grants cut. As their patron, he had written to their local authorities, pleading with them to reverse the decisions.

For children, he said, theatres in Britain "indulge in some awful pantomime where

**Playwright urges companies to stage more work for children, reports Dalya Alberge**

the kids have no clue what's going on and their fathers are sniggering away". Stagings of *The Telenovelas* or *Postman Pat* were fine for the very young, but by the age of six — "the Winnie-the-Pooh phase" — children wanted some "serious narrative".

Sir Alan was speaking before tonight's premiere of his latest play for young people, *Glamo*, a futuristic comedy about a young barman who witnesses a murder.

*Glamo* is being performed as part of the annual BT National Connections youth programme, which is sponsored with £600,000 from BT. Some 150 groups selected from schools, youth theatre groups and colleges from as far afield

as Inverness and Plymouth, will perform new plays by 12 writers under the guidance of the National Theatre and the writers themselves. Sir Alan's play is being shown in Nottingham before touring ten venues around the country, ending on the National's Olivier stage this summer.

Such initiatives, he said, were all the more important because children were otherwise neglected. While he applauded education programmes, "they are using theatre as a teaching instrument. I'm talking about the theatre as pure and simple entertainment, where they come into a building and share a perception with a common audience."

New work for children tended to be relegated to inexperienced actors: straight out of drama school. "If you want to attract an audience under 12, you have to address them far more seriously."

Writers, he said, wrote for two reasons: money and recognition. In Britain, they did not benefit from either. When he wrote an "adult" play, he received "nice coverage". "I wrote a kid's show at Christmas, which I thought was equally interesting, and nobody came." If that was the attitude, there was little incentive for an unknown dramatist to waste time on children.

Writing for children was no different than for adults, he said. He calls his works family plays, saying that the best writing should speak to adults and children. With even the most complex stories, "kids will follow you anywhere". Last year's play, *The Boy Who Fell Into a Book*, was "very complicated and they loved that. There is no point in writing down to them."

A spokeswoman for the National Theatre said that Trevor Nunn, its artistic director, was "very conscious that children of that age range should be catered for."



Anna Maxted, whose father's death inspired her romantic comedy on bereavement

**How just 40 pages secured a £250,000 book deal**

BY DALYA ALBERGE

A FIRST novel has been signed up by a publisher on the strength of just 40 sheets of A4 paper in a deal worth more than £250,000. Andy McKillop, publishing director of Arrow Books, was so impressed by Anna Maxted's writing in *Getting Over It* that he beat off competition from four other publishers in hard-fought bidding at last weekend's International Bookfair.

He is believed to have paid for a two-book deal secured by Jonny Geller, director of Curtis Brown, the literary agent. "Her voice is completely brilliant and compelling," Mr McKillop said yesterday.

The novel is a romantic comedy about a woman coming to terms with the death of her father and a crumbling relationship with her boyfriend, Louise Allen-Jones, who represents foreign publishers in acquiring manuscripts long before publication, said that for a publisher to buy a novel on the basis of so little material was very rare.

Maxted, 29, from North London, is a contributing editor at *Cosmopolitan* and her literary inspiration ranges from Jane Austen to Maeve Binchy. After reading English at Cambridge she embarked on a career as a journalist on the *Jewish Chronicle*, moving to the *Sunday Mirror*. She is married to a journalist from the magazine *Loaded*.

The idea of the novel was sparked by the death of her father, an accountant, two years ago. She recalled how, when she wrote a column for *Cosmopolitan*, it moved colleagues to say, "You ought to write a novel about this." Before that, she said, "I never thought I was capable of writing a novel."

**Thinkers try to land a punch on the 'real Ali'**

BY ADAM SHERWIN

THE United States Embassy became an intellectual boxing ring yesterday as academics traded blows at Britain's first seminar on the significance of Muhammad Ali.

The debate began with a speculative jab from the Freudian camp. Christopher Brookeman, of the University of Westminster, said that Ali had constructed a personality that mocked different black stereotypes — such as the clown or sadist — that were then dominant in the American psyche. By donning such "masks", he said, Ali could "float like a butterfly, sting like a bee".

Professor John C. Walter, from the University of Washington, Seattle, countered with his view of an "egalitarian Ali", an analysis rooted in Alexis de Tocqueville's vision of an America that honours talent without racial bias. "Ali became the quintessential American because he was a successful braggard. When he said an opponent was going down in round four, he did, and America is a society which progresses by the achievement of stated outcomes," Professor Walter said. Even Ali's conversion to Islam, he said, was eventually understood by Americans as a response to racial discrimination.

But Mary O'Reilly, who is researching American cultural history at Liverpool John Moores University, preferred an "aesthetic Ali". "When Ali knocked out George Foreman in the Rumble in the Jungle, he didn't follow up his punch because he would have disturbed the beauty of Foreman's fall," she said.

T.J. Dowling, the US cultural attaché, said that such official recognition for Ali would have been impossible when he was sentenced to jail for avoiding the draft: "He was forcing Americans to deal with a lot of issues back then. Now we have come to understand him as a great American."

## FUTURE IS ORANGE FOR 20 WRITERS

SEVEN first-time novelists have been shortlisted for the £30,000 Orange Prize (Dalya Alberge writes)

A shortlist of 20 was drawn up from 129 novels submitted by publishers for a prize that is restricted to women writing in English — whatever the nationality. Only six of the shortlisted authors are British: they include Cheryl Dunye, *Mostly American*, and *The Winner* is an omnibus of June 8.

Two of the seven debut novelists "have" written works about lesbians, Julia

Darling's *Crocodile Soap*.

said Lila Young, who chaired the jury, stood out as a "humorous" novel. "Overall, the entry didn't include a lot of laughs." She had liked the book because it made a lesbian relationship "a normal, everyday thing". This was "a story about unrequited love. It was a dry, ironic tone."

Jackie Kay's *Trumpet* was the title of "a black male trumpet player who everyone assumed was a man, until he falls in love and has to 'confess' he's a female."

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## **Valerie Elliott reports on a call for tax breaks and planning changes to reverse fall in low-cost housing**

He appeared keen to defuse

He suggested that planning officers should be lobbied to

people of more modest means."

The new agency is to focus on the social, economic and environmental well-being of the English countryside and champion the rural dimension at all levels, from Brussels to the smallest parish council, in business and in the voluntary sector.

- ☐ 88 per cent of all lands in Britain are countryside
- ☐ One in five people (9.3 million) live in a rural area
- ☐ 42 per cent of rural parishes had no shop in 1997; 43 per cent had no post offices; 83 per cent had no GP based in parish
- ☐ 49 per cent had no school (for any age); 75 per cent had no daily bus service
- ☐ 84 per cent of rural households have a car (69 per cent nationally)
- ☐ There are more deaths on rural roads (55 per cent compared with 43 per cent on urban roads and 4 per cent on motorways)
- ☐ Women's Institutes and Mothers' Unions were the most common community activities (found in 59 per cent of parishes; 39 per cent had football clubs)



**BY SUSIE STEINER**

tributed to the decision not to pursue the case, on the political climate. This indicates that direct action is

**Outside the court Ms effective and justified."**

The raid involving Ms Snook and Ms Sheedy came after weeks of protest about GM crops being planted near an organic farm at Staverston.

**Ms Snook, from Plnner, northwest London, said that the decision was clearly "based**

On August 3, about 30 people wearing protective clothing raided the trial site and mullered up the plants, which

were due to pollinate the following week. Ms Sheedy and Ms Snook were among 12 people arrested. They were charged with causing damage to the maize. The others were released on police bail and are unlikely to face charges.

BY NICK NUTTALL  
ENVIRONMENT CORRESPONDENT

The update could help to settle areas of conflict between ramblers and landowners under the right-to-roam legislation, and to identify disused urban sites to reduce home-building in the countryside.

The mapping will involve taking 65,000 aerial images a year, with cameras triggered by global-positioning satellites so that the images can be matched with unprecedented accuracy. Geoff Robinson, the director-general of the Ordnance Survey, admitted that some maps were up to ten years behind in remote moorland areas and several years behind in other rural and some urban locations.

The blame for delay is being put on cash constraints by the last Government in the early 1990s. The new spending of £42 million was announced yesterday by Nick Raynsford, the Environment Minister.

Britain's landscape was changing faster than at any time in history, Mr Robinson said. "Over the past 30 to 40 years we have seen thousands of miles of railways disappear to be replaced by thousands of miles of trunk roads. Hundreds of pits have disappeared, to be replaced by hundreds of shopping malls. We have seen tower blocks go up and tower blocks come down."

The new data is being made available online and it is planned to update this daily. An electronic archive of the changing landscape is being developed for historians and geographers. The survey is also making more use of Gaelic and Welsh placenames.

The aerial mapping will be orchestrated from Blackpool airport, as it is near the geographic centre of Britain.

## NET LINKS

**www.o-s.co.uk/homepage/main.htm** for the Ordnance Survey website

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# You find me not quite waiting to die

John Diamond

As John Diamond learns that his cancer cannot be cured, he is certain that his life can still be happy and worthwhile

When I was 11 I got a Hackney scholarship to the City of London School. I'd been a bright child in junior school and used to being at the top of the class without working very hard for it. At City of London I was in a class full of bright children and, worse, bright children who worked hard. At the end of the first year I came near the bottom of the class.

I tried to work out something to say to my parents that would take the shock of my failure away in an instant. I got home, knocked on the door and when Mum answered I said, without preamble: "I want to leave the school. It's not right for me." Somehow I imagined — wrongly — that my parents would take me at my word and ignore the damning report as symptomatic of the school's failure, not mine.

Sitting in the car, I felt the same sort of blind panic now. I needed a quick, radical solution to this: a solution to the prognosis, the threat of surgery, the prospect of a tongueless, voiceless, foodless life. I told Nigella I was seriously thinking of not having the operation. Then, seizing on the quick solution, I asked if she'd help me to commit suicide. She wouldn't — not because, as a complete atheist, she had any moral argument with suicide itself, but for a list of other reasons, such as wanting me to hang around as long as possible and not wanting to have to tell the children one day when they asked that she'd helped the father they couldn't remember to kill himself.

I had the operation in August 1998. This time there was no question of not accepting all the help I could get, so I started on antidepressants a couple of days before the operation in the hope that they'd kick in as the morphine wore off. The routine was much the same as it had been the last time: a few days in the high-dependency unit, a few more days, with tubes poking out of me, in my room. This time I was more able to cope with the routine and lasted in hospital for the full fortnight, so that when I came home I was relatively normal, as far as the children were concerned, always remembering that these were children who were getting used to their father's cumulative disability.

I had a tracheotomy again and now had a tube poking out of my stomach, through which I fed three times a day. I brought home carrier bags full of drugs, sprays, wipes, swabs etc. and a schedule for taking the painkillers, anti-emetics, food supplements, indigestion remedies that would cover me for the next few

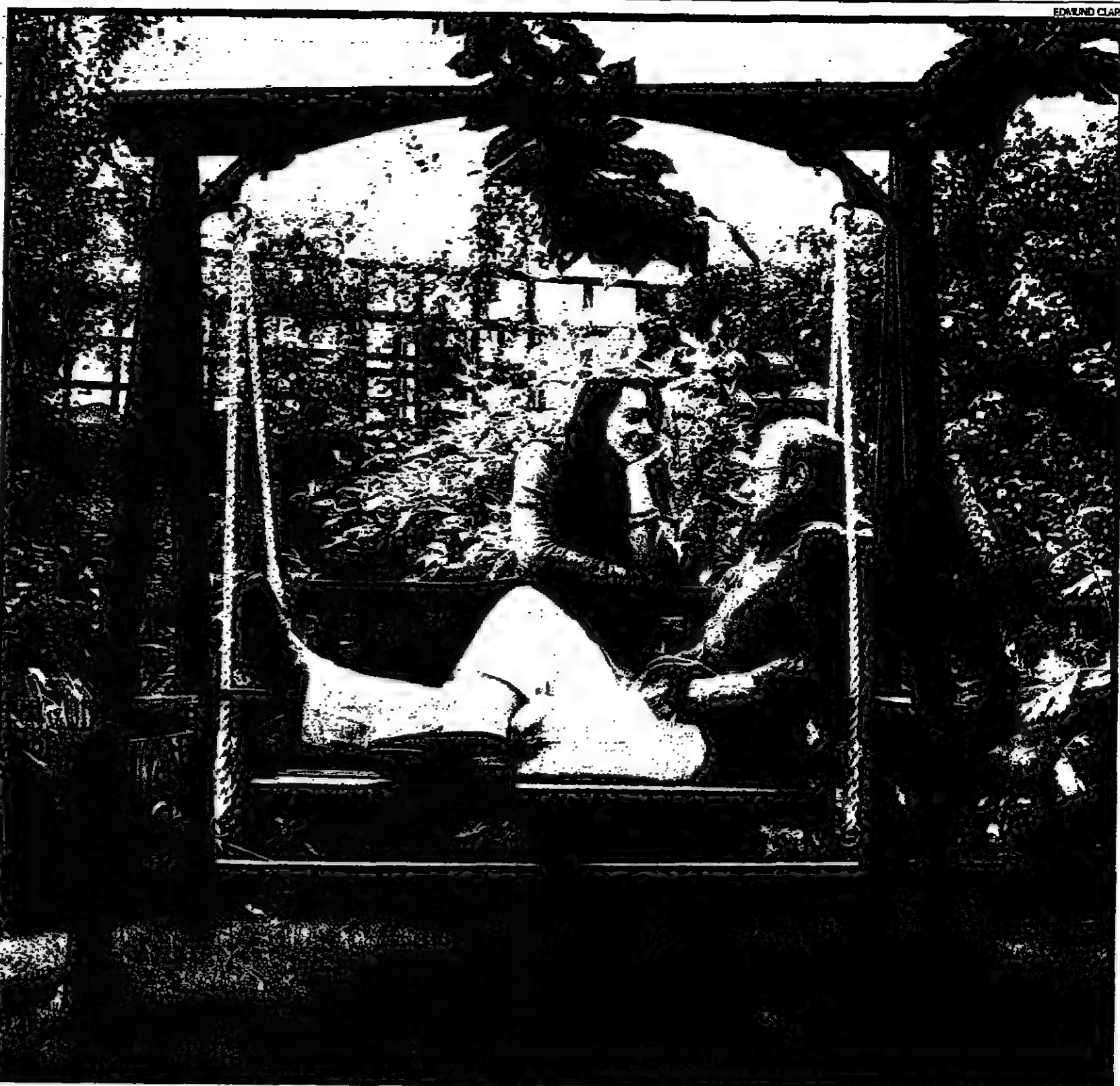
weeks. I wore a small battery-operated pump that would inject a regular flow of di-morphine into me to keep the pain down.

I had scars at the left-hand side of my neck, where they had reached through to get the tongue, and for a foot along my back, where they had taken the muscle and its attached vein. Looking in the mirror, I realised that if I'd had all three operations at once, my head would have fallen off: I had scars almost entirely encircling my neck. I had no voice to speak of because my new tongue was still full of stitches; but within weeks it became apparent that while Nigella and the children could understand almost everything I said, nobody else was ever likely to.

But, strangely, I felt convinced that the worst was over and that I was cancer-free. I also felt deeply depressed. I lay in bed calculating how best to do away with myself. I knew that I had sleeping pills somewhere that I could crush up and pump into my stomach: one afternoon I counted them and looked up lethal dosages in a medical book. It seemed such a reasonable thing to do — to let it all just slip away from me. Indeed, it's possible that the only reason I didn't do it then was because I'd promised Nigella that if I was going to digress from the stated regime, I'd consult her first.

So here I was, unable to speak or eat and no real chance of doing either for as long as I lived. It wasn't quite as miserable as it sounds. The antidepressants began to do its job and I started to have a shot at living a little. In September Nigella held a party to launch her first book (about food, ironically). I'd intended to turn up briefly, smile a forced smile and slip away, but I was the last to leave — in part because I was so proud of Nigella's success, in part because I was having a genuinely good time. It turned out that I could be almost as jokey with a pad and pencil as I was with my old voice. Even better, I could drink again. I'd hardly touched a drop recently because of the soreness of my mouth and throat, but here I was, pumping the stuff into my stomach tube with a plastic syringe. Far from finding it gross, friends lined up to watch. The maître d' of the swish hotel bar in which the party was held went so far as to show me how to get champagne into the syringe without filling it full of bubbles.

So it went until the end of the year. Sure, there was the occasional problem with the hole in my neck, which was strangely unwilling to heal, and the voice I had — seemed raspier than usual, but there were some wonderfully good times



John Diamond and his wife, Nigella Lawson: "She didn't want to have to tell the children one day that she'd helped the father they couldn't remember to kill himself"

with the children and Nigella, during which I'd never felt happier.

In December Peter Rhys Evans took a look down my throat and pronounced himself mystified by the unhealed hole. Would I pop in for a scan some time? We fixed a date in the new year and Nigella and I pretended that we believed this was a routine event when we both knew it might well not be.

We decided to take the kids for a holiday: we hadn't had one for two years or more, and if I needed even more surgery, this would be our only opportunity for a while. We spent the end of 1998 and start of 1999 in Disney World and had a wonderful time. Transporting a week's worth of liquid food took some doing, and there were a couple of days when I stayed in bed while the others went to the Magic Kingdom, but that and my inability to do the junk food that is so much a part of theme-park life aside, we couldn't have enjoyed it more.

A couple of days after we returned I went for the scan. There was a suggestion of returning cancer around my larynx. If a biopsy proved this to be the case, then my voice-box would be removed as the surgeons chased the cancer down my gullet. The result would be almost no voice at all but — the upside — I might possibly be able to swallow liquids again. I had the biopsy and the next day turned up for the results. I'd prepared my Times readers for a week or so off while I had the operation. In the event I wrote a column the next week.

"I know what I said last week and I wasn't meant to be here today: I should be back on the ward with the surgeons chasing the cancer further down my neck. But as soon as we arrived at the outpatient clinic we knew it was all up. Normally, we conduct our clinical meetings in an ordinary white cubicle in the general outpatient clinic; this time the receptionist gave us a tight smile and said Mr Rhys Evans



At Disney World: "We couldn't have enjoyed it more"

had asked for us to be shown to a consulting room in the Marsden's private wing. You do not ask for your patients to be taken to the comfy chairs if you're about to tell them that, after all, the shadow on the scan was a packet of Woodbines left on the machine by a cleaner.

"When Rhys Evans arrived it was with the unspoken hint of worse news still. The clinical possibilities thus far have all been surgical or radiological and I've known for some time that if a medical doctor ever turned up to a consultation we were no longer talking about cure but remission. With my surgeon were two men I'd not met before: a consultant medical oncologist and his registrar. Standing behind them, looking embarrassed, was a tall man in hood and gown with a scythe over his shoulder.

"Statistics tell us that anyone whose job is treating those diagnosed as having cancer will, in around 60 per cent of cases, eventually have to dole out the worst possible news, and you'd suppose that after years of doing it doctors would find a way somewhere between the mawkish and the brusque that would serve them comfortably in most cases. I suppose it's testimony to Peter Rhys Evans that he gave us the news white-faced, nervous, with eyes downcast, much as he must have given the news the first time he ever had to, as if it were something both unsayable and already said.

"And the news is this: The cancer is in too many places around my throat and neck to warrant more surgery. If I let it take its natural course, I have six months left. If I have chemotherapy, and assuming it works and is not so arduous as to be unbearable, I might double or treble that. There's a small but significant chance of doing even better than that as the cancers are tiny and I feel healthier than I ever have.

"I'll take the chemotherapy, of course. Why would I not? I'd imagined that I'd feel terrified when I got the news, but what I felt most of all was sad. Sad for Nigella, the children, my parents. As if, of course, sad were a word up to this particular job. I realised that the reason I don't seem to be going through the standard denial-anger-bargaining with God-acceptance schtick is because that's what I've been doing for the past 20 months or so. As soon as I heard the first diagnosis I heard a death sentence being passed and I suppose I never thought of the various operations and procedures as much more than temporary reprieves. Living with cancer must always mean living with the threat of death, even, I imagine, if you manage to increase the distance between you and

the diagnosis to the five years that counts as a cure.

"Meanwhile, I have some affairs to get in what passes for order. We haven't told the children and won't for a while, so if you come across them, please don't say anything. I'll carry on working as long as I can and given that one side-effect of the chemotherapy is fatigue, I'm sure you'll understand if I don't answer your mail individually from now on. And we're planning a big party to celebrate Nigella and my ten years of being together. It's strange how, in the middle of all this madness, there are some things worth celebrating."

And so this is how you find me. Not quite waiting to die, because although I've accepted that I will, and sooner rather than later, the same rules apply to the foreshortened life as to one of normal length: just as no well-balanced 45-year-old says "Why bother going to the movies? I'll be dead in 30 years," so I find that my imminent death doesn't stop me wanting to know what happens at the end of bad detective thrillers or wanting to spend time with Nigella and the children. Those things are still worth doing. As I write this we have all just returned from buying a basket for the spaniel we are to collect in a couple of days' time. A friend e-mailed me when she heard this to tell me it's a denial of what's happening and what's about to happen. It isn't. I know what's happening. But a dog is a happy thing, and it will be happy for me for whatever time I've got left and as happy as things can be for the family when I've gone.

● Extracted from *C: Because Cowards Get Cancer, Too* by John Diamond, published in paperback by Vermilion on April 8, £6.99. Times readers can buy it for £5.99 with free p3p from The Times Bookshop, 0990-134459; the hardback version is available for £7.99 (RRP £9.99).

● John Diamond's column appears in The Times Magazine on Saturdays.

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# And no one stops to think...

The Kosovo tragedy should not blind us to this farce in Ulster

Now let me get this right. There's only one way to deal with gangster politicians who manipulate deadlines while selectively interpreting deals. And that's to call their bluff. We cannot afford to turn a blind eye to ethnic cleansing by irregular soldiers. So military force must be used. Bullies cannot be allowed to retain the military capacity to terrorise innocents. So their war-making capabilities must be "degraded", by force if necessary.

Unless, of course, their victims are British citizens, and their enemy the British State.

If only, Slobodan Milosevic must think, he had the good fortune to be operating in Belfast and not Belgrade. Then he would find that his arsenal would be treated as his family heirloom, something safeguarded by myth which it was considered indecate to prise from his grasp. While British Forces seek to devastate the Yugoslav National Army's armaments, British ministers plot round the Irish Republican Army's.

I know that Northern Ireland politics normally ranks next to discussion of whether Shakespeare's plays were written by Bacon as the mark of an obsessive. I appreciate that when the subject of Ulster is raised by those of us with an interest in the Province, then the reaction of many friends is that of the wedding guest to the Ancient Mariner, "hold off unhand me, grey-beard loon".



Michael Gove

But the bloody tragedy in Kosovo should not be allowed to distract us from the black farce running in Stormont this week. It was while Britain was embroiled in a war which started in the Balkans at the beginning of this century that Irish republicanism exploited its moment. It is trying to do so again. But no knowledge of history is required to appreciate what is happening in Ulster now, no engagement with the tangled minutiae of treaties and accords, no interest in the perverse politics of UVFs and INLAs, those gangs of killers who hide behind indecipherable acronyms. This is one occasion when the Ancient Mariner of Ulster politics can ask their audience to attend to a simple morality tale.

At times it has seemed more like a production from Absurdism: Beckett without the humour. For the past year, Northern Ireland has been waiting for Gerry.

When the Good Friday agreement was presented last April it was supposed to breathe democratic life into a Province starved of normal politics. Complex institutions were established designed to guarantee that no section of Northern Irish society could dominate any other, that every voice would be respected. Politicians from those parties which had never used violence, Protestant and Catholic, Unionist and nationalist, set to work to root these new institutions in the Province's narrow ground. But normal politics could begin only if the players were determined to act as normal politicians. And that meant that those groups, re-

publican or loyalist, who had used violence in the past would have to forswear their arms. No staged surrender to the British Forces was required, simply co-operation with an international body pledged to impartiality.

And yet, one year on, there has been no relaxing of the grip on the trigger. Indeed, while moderate politicians have been building new bodies to promote dialogue, terrorists on both sides have been rebuilding their arsenals. Even those disposed to ignore the replenishment of these private armies could not ignore their continued use of violence, from the beating of children to the murder of lawyers.

The unveiling of the Good Friday agreement was accompanied by a pledge from the Prime Minister, in his own hand, that its fruits would be enjoyed only by those who had given up violence for good. Now those words seem to be interred alongside all the other victims of terror. For the Northern Ireland Secretary, Mo Mowlam, has indicated that she wants to establish a new government for Northern Ireland at the end of this week with the leaders of the republican terror campaign among its number — without them having had to surrender their weapons. The Ancient Mariner grows restive. Promises, promises everywhere, but not a pledge that sticks.

British ministers hope to secure some form of words from Gerry Adams which indicates that he will, at some future point, feel moved to disarm. American apologists for the IRA have sought to present such a rhetorical flourish as a concession to cherish. But how can words from the republican leadership be taken on trust when words from British ministers can be so easily disowned? And how, in any case, can we trust a promise from an organisation that murders? Even the simplest moralist must recognise that for those who have been prepared to mutilate and kill, the mere utterance of a pious lie is easy. Crocodiles can weep on cue.

The insistence that the IRA disarm is, as the leading article opposite observes, a necessity of realpolitik. Without it, the Unionist leader David Trimble could not join Sinn Féin in a new government for Northern Ireland. But it is not necessary to engage in detailed analysis of Unionist politics to recognise that the IRA must disarm, any more than one needs to know about crossbows or albatrosses to appreciate the moral of penitence, the need to atone for violence, which gives Coleridge's poem its power.

Critics of the war in the Balkans are told that the course is difficult, but terror must not be allowed to triumph. The West will never be taken seriously again unless it is seen to punish those whose response to negotiation is the brandished gun. But Ulster hangs like an albatross around ministers' necks, mocking their empty pieties.

michael.gove@the-times.co.uk



DR. JEKYLL & MR. HYDE

## Utter, bloody, folly

Our disastrous arrogance means we have a lasting responsibility to the Kosovans

You always need a strong stomach in times of war. It was difficult to imagine anything more nauseating than Clinton's war rhetoric, but we got it, with our own Prime Minister's speech last week about his personal "longest hours" (oh, poor dummies) waiting for the planes to get back safely.

Even then William Hague trumped both of them with his party political broadcast telling the tale of the "little girl" who wrote "I am scared and I want my Daddy to come soon". He is not quite as good at the terror in the voice as Tony Blair, but he is learning fast.

National and local newspapers try — by God they try — to be even more flesh-creeping mauls about our brave heroes, but the headlines (especially in the honest local press) tend to be almost comically belied by what the Service families actually say when invited by journalists to let their feelings rip. Under trembling banners saying "Pray for them" and "Wives who weep in fear", you will generally find the actual quotes are more like "He's trained and prepared for this, and we just hope for the best", or "We know what we signed up for. It's his job".

Never is the stoical resolve, the dutiful understatement, of the Armed Services ethos more admirable than when contrasted with the wobbling lips of politicians — two of whom are desperately trying to justify a blunder, and the third wishing he had had the sense to speak against the said blunder while he still had the chance.

I may be misinterpreting Mr Clinton and Mr Blair. It may be that they have not yet accepted the disastrousness of what they did. They sneered at caution and waved the battle-flag, posing in regimental-stripe ties and talking of "toughness", while more mature voices of generals, veterans and historians warned them precisely what would happen if we bombed.

It could be that in their purblind hearts the Free World's leaders are waving that flag still. Even if doubts creep in, they may think they can hide their misjudgment behind the many vignettes of heroism which the pilots, sailors and eventually soldiers will undoubtedly provide for them as this war escalates. If so, God forgive them.

They would have done better to take some lessons from the Service tradition beforehand: to learn that

before you start an action you survey your terrain carefully, weigh up probabilities, save your breath for action not bragging, take the path which leads to the quickest ending, and be prepared to clean up the mess afterwards. (This instinct to clean up, by the way, genuinely is a military one: I learnt the other day the poignant story of how the rebuilding of the Bosnian railway system, by sappers from half-a-dozen nations, including Hungary and Romania, was not any politician's initiative. It was the result of months of lobbying and ingenious planning by a mulishly determined Royal Engineers officer who didn't like to leave a country in such a mess.)

But modern politicians hate detail and patience and prefer big, showy stage-sets. Zap Milosevic! Clobber Slobodan! Teach him a lesson! Send thunderbolts from on high, like God! Meanwhile, keep your own electorate away from the intimate, horrible detail of war: no body-bags, please. So, inevitably, they opt for bombing.

But bombing does not work in such circumstances; it never has. We ought to know from Iraq — if not from our own Blitz experience — that bombs are more likely to stiffen a disaffected civilian population into a loyal one. Such an affront from the air gives even the liberal Serb (or Iraqi) an instinct to stand by his leader, however vile.

And how could bombing prevent the kind of intimate, village-street butchery going on in Kosovo? Bombs are made to destroy airfields and docks full of big war machines. They are not — whatever the propaganda — fine-tuned precision weapons which can avoid civilians. We now learn that the bombers' laser sights are inhibited by European cloud and fog. "Gee," think Clinton and Blair, "that never

happened in the Gulf. Wonder why?" And even if the bombs were precise, the Serbs have only to park their tanks in the middle of Kosovo villages to mock the attackers' scruples.

The real duty which politicians have towards their professional Armed Forces is not to pose with tanks or gulp emotionally about their little daughters' tears. It is to use them properly: to commit them only to wars which are necessary, just, and winnable. In this duty the leaders of the Nato allies have failed, in a breathtaking display of immaturity, arrogance, disrespect for international law and impetuosity with the crawling processes of carrot-and-stick diplomacy which might, just, have saved lives in Kosovo.

They are not even consistent in their folly — why bomb the Serbs for their atrocities and leave other parish states unscathed? Did we sent bombers into Chile during Pinochet's reign of terror?

Governments have let their forces down, and no amount of crocodile tears can disguise it. These poor bloody pilots are now committed to plastering invisible Serb enemies with destruction from thousands of feet up, in the knowledge that the main results have been to aggravate the butchery of Kosovan Albanians and provoke Russia into reopening the Cold War. The humanitarian disaster is the worst. Slobodan Milosevic has done exactly what serious experts on Serb history and mentality predicted all along. He has harnessed the ancient traditions of tribal patriotism and xenophobia to step up the murder in response to the bombing. Men are being rounded up and killed (refugees report that the staff of two schools died at the weekend) and women and children driven across mined borders to arrive injured, exhausted and starving in countries

with little capacity to help them. Macedonia, Montenegro, Albania, unstable themselves, are under pressure: UNHCR estimates more than two thousand refugees every day. The bombs did not prevent human disaster. They made it worse.

So now we really are involved. Before these terrible missions began, our duty towards the misery of Kosovo was, at least, questionable. Now it is inescapable. There are a lot of fatherless and broken families out there (including innocent Serbs). We Nato nations have done our bit to put them in this pitiable position, and now we have a solemn duty to them. When the bombing ends — and it has to end eventually, whoever loses face — the countries which did it or sanctioned it have got to look after these people whatever it costs.

If a self-supporting peace deal can be arrived at (unlikely, given the fact that Nato still runs Bosnia several years after the war) it will mean a lot of money to rebuild the villages and agriculture of Kosovo and to deal with the aftermath of injury, bereavement and trauma.

If peace does not come to the region, then it means even more inescapable duties for Nato nations: protection, support, refugee status, resettlement. There are a lot of empty acres in America and in Europe and there is wealth, too, in comparison with the fragility of the countries where these refugees now huddle. If we want to emerge from this fiasco with any honour left at all, there will be sacrifices to be made to the "international community" can rebuild these lives. We have no option now.

Before the bombing, Milosevic's persecution was bad enough, something for other nations to dissuade with every peaceful means. To oppose it was a good deed, but not an inescapable duty. Since the bombing the persecution has become far worse, and that is our fault, and we must pay for it as unhesitatingly as we now pay for multimillion-dollar explosions.

Remember that, in months to come, remember it when America loses interest and Britain and Germany sniff that mere "economic migrants" do not deserve refugee status because the killing has stopped. These are our people now. We owe them.

comment@the-times.co.uk



Libby Purves



## Blue streak

DONS at Cambridge are suspected of being among a band of streakers enlivening the town. Police called on Queens' College demanding to speak to an academic sort after reports that one of the college's more senior members was among a scantily clad group spotted on a late-night dash across town.

Four naked men were seen walking down Madingley Road towards the town centre at 1am on Saturday night, confirm Cambridgeshire police. Bobbies visited Queens' the next day in connection with the incident, leaving a message in a don's pigeonhole.

Queens' insists that its profs are always properly covered. "I've spoken to our senior members and they were astonished," Lord Eastwell, college President, assures me. Still, over-exposure seems rife at Cambridge. Five undergraduate members of a Welsh drinking society streaked from Trinity Hall to St John's College and were caught on new CCTV cameras.

BEHIND every great supernum is a great nanny. So imagine the crisis for Nicola Horlick as her nanny of ten years standing, quits — leaving Nicola four kids and a career to look after.

THE Queen must have enjoyed Yes, Minister. Sir Nigel Hawthorne, pictured, claims that when he was presented to Her Majesty at a theatre recently she demanded:



"What are you doing here?" Sir Nige is sympathetic. "She'd got it locked into her mind that I was Sir Humphrey and so she couldn't understand what I was doing." Perhaps she thought he was her flower-arranger enjoying a night off.

GERMAINE GREER grows stranger with every wrinkle. She says Loaded, the lad's magazine, is "much better than Cosmo".

A MINISTER who has urged the public to heat their houses with solar power has admitted that he has abandoned plans to do so in his terraced semi. John Batten, the Energy Minister, tells me: "I made inquiries about getting solar-powered tiles but when the costs were added to my mortgage it was just too much. It just wasn't worth doing for the savings I would make. Saving the planet will have to wait."

GREENIES in Oxford are revolting: the university wants to erect 93 radio masts in Wytham Wood (home to badgers and other docile creatures) to monitor nature. So self-defeating, life.



AFTER Nicholas Witchell's tale about the liquid lunches of BBC types in the Falklands war, memories of the newscaster's thirst have been stirred: a Forces chum says that when Witchell was reporting from the islands after the conflict, he "was noted for enjoying a dram or two in the Upland Gorge".

He goes on: "One evening, after such a tincture, he was told that a Royal Irish Ranger was related to a stable lad who knew what had happened to Shergar."

Off went Witchell on an MoD-assisted chase round the islands. "He only found out when I presented him with a can of Kit-Kat and said: 'This is what finally happened to Shergar.' He flushed and hurried it to the ground." I call the BBC for commentary: "Miso."

AFTER the Irish Question, the Fabians are holding a conference on the English Question. Risky.

THE voice of the Allies at war, Jamie Shea, contrasts with the cool calm of previous Nato sorts. Indeed, a snooty general's wife once complained about his Cockney accent to the Brussels HQ.

JASPER GERARD

## To be appointed Director-General of the BBC is actually the perfect last job before you shuffle off. It is a stint in Dunfilmin'

Antoine Palmer

The War of the Spanish Succession changed European history. The War of the Austrian Succession decided the destiny of millions. The War of the Wood Lane Succession will scarcely cause a cocktail glass to tremble in the Groucho Club. The battle to become the next Director-General of the BBC should be an opportunity for the great men (it won't be a woman) of British broadcasting to shape the future of our most exciting industry. But our terrestrial Nelsons and digital Wellingtons are in no mood to join combat.

As an independent producer who respects the BBC and cares about its future, I want to be excited by the identity of the next Director-General. But all those who are best qualified, all those who are engaged in making the medium innovative, won't take it on. Unless the Government is prepared to show greater vision

in its ambitions for the BBC then the contest to succeed John Birt is one drama no amount of hype can make interesting. Why? Because the Director-General of the BBC is fettered by a bureaucracy, and government expectations, which are death to creativity. The licence fee allows him no liberty. He may have status, but compared with managers of other creative organisations, no freedom. Sir Michael Checkland and Sir John Birt have been all gones and no TV dinner.

Michael Jackson, who transformed perceptions of BBC programming-making at BBC 1 and 2, and has made a huge success of reinventing Channel 4, should be a front-runner. But he declines to show any interest. The fallen angel of the BBC prefers to stay with Channel 4 because its board of governors, unlike the BBC's, accept that they mostly don't know anything about TV, and let

the creative genius get on with being creative. Like Milton's Satan in Paradise Lost, he prefers to rule a lesser domain unfettered than to groan in palatial subservience.

The range of jobs which allow broadcasters to operate freely is daily expanding. And so are their audiences. Why is Channel 5 hitting its audience targets? And why are its chiefs, David Elstein and Dawn Airey, so disinclined to move? Because they are quite clear what Channel 5 is about, and have a completely free hand.

Even the BBC's main rivals are in no mood to contemplate the index-linked security of Wood Lane. David Liddiment and Richard Eyre are, at last, reversing a decade-long decline in ITV's share. And all because the ITV companies have had the

courage to defy the pious restraints of pompous parliamentarians. The ITV Network has allowed Liddiment and Eyre to commission more or less what they like and, after a bit of whining, the ITC has let them move News At Ten.

I have only been by defying the soi-disant guardians of the public interest that the public has got interested again in ITV. You can't expect living organisms to grow when they're constantly under the microscope. Nor can creative commercial organisations flourish when their decisions are subject to the scrutiny of busybodies. Can you imagine Tesco having a public inquiry before it was allowed to change the aisle where it displayed the baked beans?

But nobody will give the next Director-General of the BBC enough space to make any difference at the corporation. Whoever it is, whatever he'd like to do, however brilliant or informed his decision-making, he just won't be allowed to get on with his job.

Although John Birt masterminded the launch of a raft of focused digital channels which are wonderfully free of bureaucracy, the need to maintain government support for the licence fee meant that everywhere else had to be treated as a withered arm of the State. BBC Production has been transformed into a fearsome place which is full of policy working groups, management accountants and mumbo-jumbo.

John Birt, poor guy, was not so much a villain as a victim of circumstance. He was just taking Thatcherite principles of cost

control and applying them to the BBC so that Conservatives wouldn't hate the BBC enough to privatise it. That's it. That's all. And the new Director-General will have to do the same thing for new Labour. Because that's the job description of the chief executive of Britain's last great nationalised industry.

When Michael Jackson said he didn't want to be the next D-G of the BBC everyone thought he was just playing hard to get. But why should he be lying? Why should anyone who wants to make a difference take this job? D-G of the BBC is actually the perfect last job before you shuffle off. It is a stint in Dunfilmin', an Everdine Home for those who no longer want to manage, only decline.

The author is a director of Freeform Productions

comment@the-times.co.uk





## FACTS ON THE GROUND

Milosevic is still bent on Balkan devastation

Yevgeni Primakov flies into Belgrade today. In theory, the Russian Prime Minister is there on a mission impossible, instructed by Boris Yeltsin to effect "an immediate halt" to Nato airstrikes. In practice, his trip may be for home consumption, to display support for the Serbs. But at least he is going to the right address, since it is in Belgrade that the step needed to stay Nato's hand must be taken.

The Russians will find Slobodan Milosevic intractable. Even if Mr Primakov tries — and he may not — to convince the Yugoslav President that Nato will ultimately destroy the federal Army, he can expect the report that Nato's "aggression" cannot disrupt the subjugation of "terrorists" in Kosovo, that Yugoslav public opinion is solidly behind Mr Milosevic and that the West will soon be forced to back down.

In Serbia, Mr Milosevic is indeed more popular than he has been in years — which was no small part of his purpose in defying Nato. That is partly because bombing initially rallies peoples behind their leaders, however awful, but also because most Serbs know next to nothing about the horrors being visited on Kosovan civilians. Mr Milosevic has closed down the independent Serbian media which might have told them. Even in Montenegro, whose democratic Government has steadily denounced war over Kosovo as a "suicidal" policy that will kill innocent people and "threaten the survival of the joint state" of Yugoslavia, people are so divided that civil war or a Belgrade-inspired coup are terrible possibilities now.

Yet the number of military reservists who have gone into hiding rather than be drafted to Kosovo suggests that this popular support is shallow and could turn when the going gets really tough — as, for most people, it has not yet. Mr Milosevic is vulnerable on two counts. With thousands of Kosovan refugees now being driven into Montenegro, in what seems a deliberate policy to destabilise its Government, the bloody truth will inevitably begin to circulate in neighbouring Serbia. Secondly, there will be rising casualties in the Yugoslav Army and paramilitary police, as

well as in the notorious hit squads now operating under their command, as Nato concentrates its tank-busters and attack helicopters on disrupting the carnage in Kosovo. And these men have families.

Continuous attack from the air demoralises ground troops, the more so if systematic attack damages chains of command, armour, ammunition and fuel dumps and repair depots. Army officers may soon see that they risk mass desertions, the collapse of military infrastructure and, in an eventual worst case, the dissolution of Serbia and Montenegro into chaotic regions run by local warlords.

But although Serbia is no Iraq, its top leadership is not unlike Saddam Hussein's. Mr Milosevic has packed the supreme military and intelligence commands with men personally loyal to him, and to the hardline Socialist Party run by his ruthless wife, Mirjana Markovic. General Dragoljub Ojdanic, the Chief of Staff, commanded the paramilitary Serbian Volunteer Guard in the atrocities against Muslims in Visegrad and Foca during the fighting in Bosnia. He turned a deaf ear in January, when Washington sent American generals to Belgrade to spell out the choice before the Yugoslav Army: devastatingly massive destruction, or a settlement which would be followed by closer ties and, eventually, a Partnership for Peace with Nato. Because he stands or falls with Mr Milosevic, he will stay deaf.

The current high command is so highly politicised that a change of policy may be impossible without a *volte face* by Mr Milosevic, or a revolt by more solidly professional commanders. There is massive evidence that the crushing of Kosovo is not a response to airstrikes; it is long-planned, and would have gone ahead without a Nato decision to act. The pace has accelerated because Mr Milosevic realises that he must use all the firepower he has before he loses it. That is why Nato has to accelerate its own offensive, not only out of crying humanitarian need, but because the course on which Mr Milosevic is bent has, as its inescapable corollary, the disintegration of the southern Balkans.

## SEMTEX NOT SEMANTICS

Neither peace nor Trimble can survive the refusal to disarm

Twelve months ago Tony Blair flew into Belfast and emerged with the Good Friday agreement. The Prime Minister and Bertie Ahern, his Irish counterpart, returned to Northern Ireland last night in a frantic attempt to save that settlement. Their task will be much harder this time because the decommissioning of terrorist weapons, the central issue that was deliberately left ambiguous last year, can no longer be avoided. If the Government authorises the formation of an all-party executive without firm evidence of decommissioning, David Trimble will either feel obliged to resign as Northern Ireland's First Minister or find himself a leader without a party.

Numerous uncomfortable concessions have been demanded from the Ulster Unionists. They have agreed to a set of cross-border institutions that will give the Irish Republic considerable influence over the internal affairs of the Province. They have tolerated the release of convicted murderers even though their parent organisations — loyalist and republican — have not abandoned but merely redirected violence from bombings to beatings. They have accepted a far-reaching inquiry into the future of the Royal Ulster Constabulary. They have abandoned their initial, not unreasonable, demand for total IRA decommissioning in favour of a symbolic initial deposit from the IRA's arsenal.

Mr Trimble, who met with Gerry Adams again yesterday, will now come under enormous pressure to admit Sinn Fein into an executive, in return for a form of words from the IRA that might hint at flexibility on this matter at some unspecified future moment. There are reports that the IRA

could be willing to engage in a suitably artificial linguistic exercise. This superficial "moderation" does not sit well with the evidence that the IRA is on a spending spree for more sophisticated armaments. Further ambiguity this week will help no one. If Mr Trimble is to survive in office then he needs Semtex, not semantics.

The real choice is not one between an imperfect compromise that preserves the peace process or a rapid return to violence. If the Government cuts the ground from under Mr Trimble, the various loyalist factions, themselves rapidly rearming and emboldened after the murder of Rosemary Nelson two weeks ago, will become the first to shoot, making it easy for the IRA to follow shortly afterwards. The task of Mr Blair and Mr Ahern this week is to extract that small and largely symbolic transfer of arms necessary to demonstrate that the IRA has some interest in the institutions of democracy and is not fomenting anarchy.

If that cannot be achieved, the two Prime Ministers must contemplate a fundamental shift in strategy. Allowing Mo Mowlam, the Northern Ireland Secretary, to initiate the formation of an executive in such circumstances would be the same as solidifying Mr Trimble's resignation. Deadlines can focus the mind but should not dominate thinking. It would be better, although hardly ideal, for Mr Blair and Mr Ahern to tread water for a bit, rather than proceed along the wrong path on a self-imposed timetable. This would at least make it clear that it was up to the IRA, and the IRA alone, to decide between a modest degree of initial decommissioning and the end of the Good Friday agreement.

## DURABLY STATELY

Longleat's 50th anniversary is a triumph for compromise

How beautiful they stand. In the 50 years since the 6th Marquess of Bath first opened the doors of his Tudor mansion, Longleat, to the paying public, the Stately Homes of England have, against all the odds, survived into a more egalitarian age.

Halfway through this century, the signs were that the decay of aristocratic influence would lead to the physical destruction of these homes. Landowners could no longer afford to inherit their estates. Death duties had risen from 8 per cent in 1904 to 15 per cent in 1914 and a punishing 50 per cent in 1934 — a polite mugging of the upper classes by governments which now saw their vast properties as indefensible symbols of privilege, and a snub to the mocked and moth-eaten aristocrats' claim that their treasures were in trust for the entire nation.

Yet it was in these austere years that a backlash began. A new generation, spoken for by romantic reactionaries such as Evelyn Waugh, popularised the affectionate notion that stately homes embodied all that was most civilised about England's past. The National Trust's Country House Scheme, which had met with little interest when set up in 1936, suddenly won popularity. About 230 houses and castles have been handed to the Trust, and

altogether 900 are open to the public. Longleat, in Wiltshire, is one of the dotted success stories of this very British compromise between tradition and democracy.

Lord Bath originally opened it in 1949 to raise the money to pay £600,000 in death duties. Since then, it has welcomed seven million visitors. Among Longleat's eccentric charms are wild beasts (it became the first safari park outside Africa when lions were introduced in 1966); the wild man of the British aristocracy, the flamboyant 7th Marquess, who has covered the walls of his private quarters with lurid murals; Lord Bath's brood of "wifelets" past and present, who inhabit cottages on the estate; balloons, mazes, and a hall of mirrors.

The survival of Britain's country houses may no longer prove, in Noel Coward's gently mocking words, that the upper classes have still the upper hand. But the stately homes business has served two purposes vital for a society in 20th-century transition. Not only has it allowed a broader public to enjoy the magnificent works of art collected over the centuries by the owners of these patrician palaces; it has also let the families who once formed Britain's governing elite keep their dignity as their political power is whittled away.

## The human rights issue in Kosovo

From Mrs Ludmila Vodopyanov

Sir, Because of the many ties which bind Russia to Serbia, there is tremendous anger in Russia at the way the West is dealing with Serbia (letters March 29, etc). Russia cannot do much at present to oppose the strikes, but this is an assault on the Russian people will not easily forget.

Russia has frozen relations with Nato, the Russian Duma has debated the redeployment of nuclear missiles in Belarus closer to the border with the West, while the Ukrainian parliament has discussed the revision of that country's non-nuclear status.

Nato's airstrikes are not simply destroying Serbia's military capability: they are destroying the trust which has been so painfully built up between Russia and the West; Nato's bombing undermines Russia's fragile democracy and is clearing the way for the emergence of dictatorial leaders with military ambitions.

The message the strikes send to developing countries and non-Nato states is to downgrade their spending on health, education and social services and acquire as much military strength as possible, preferably nuclear weapons, in case Nato takes a dislike to their leader or internal policies. Had Serbia been a nuclear power, it might not have been attacked.

International law justifies the use of force solely in self-defence. No such justification can be found for an air war against a sovereign country and UN member state. Human rights violations, however regrettable, are not a valid justification for military intervention unless and until they become part of international law and are signed up to by all UN member states.

Yours faithfully,  
LUDMILA VODOPYANOV,  
107 Milson Road, W4 0LA,  
March 27.

From Lieutenant-Colonel Neil Winship, Royal Tank Regiment (retd)

Sir, Sadly the reason and common sense in your leading article ("A bloody step ahead", March 27) has not been reflected in many of the letters published alongside.

Assuming Bishop Montefiore does not wish us to heartlessly abandon the Kosovans who are being widowed and orphaned daily, what better way can he propose? Our representatives have tried jaw-jaw; our air forces are not bombing "the naughty Serbs", as Mr Cockerham alleges, but are curbing a military force that is slaughtering the defenceless. Avoidance of widespread casualties among non-combatant Serbs should rightly please those responsible for designing, building and using the B2 and HMS *Splendid*, etc.

In the unlikely event of our snug villages and towns offering refuge to those Kosovans who wish to avoid being murdered and terrorised, it seems the Serbian military and police will not even let them flee. So we have no alternative but to pursue diplomacy by other means and many of us realise that will require ground forces.

It would be naive not to expect some casualties among our Services, but at least they are volunteers — fine examples of readiness to lay down their lives for unknown friends. Surely they do have a moral cause on our behalf and deserve better than criticism of those who are leading us in this very difficult time.

Yours etc,  
NEIL WINSHIP,  
Westhill, Copdock, Ipswich IP8 3ET.  
alphaeo@angliantel.co.uk  
March 27.

From Mr Mycal Miller

Sir, Bishop Hugh Montefiore writes that "the United Nations is the only body with moral authority to license force against a sovereign country". With the greatest respect to him and the UN, I believe in a higher authority. The evidence of agreement from Russia and China can hardly be considered conclusive.

In the New Testament parable, the "Good Samaritan" helps a man who has been attacked and left by the side of the road. But what should he have done if he had arrived on the scene a little earlier, whilst the attack was taking place? Would he simply have taken his hands but done nothing to help his neighbour?

Yours faithfully,  
MYCAL MILLER,  
8 Homestead Park,  
Dollis Hill, NW2 6JB,  
March 29.

From Mr Shahed Sadullah

Sir, Much has been said about the moral and legal authority behind the decision to bomb Yugoslavia. The two are not necessarily the same thing.

But while we argue about legal niceties, a most horrendous act of genocide is being perpetrated in Kosovo. I can think of nothing more immoral than for people who are in a position to do something about this tragedy to turn their backs and walk away.

President Clinton and Prime Minister Blair are to be saluted for having brought an element of morality to international politics.

Yours etc,  
SHAHED SADULLAH,  
14 Quarrendon Road, Amersham,  
Buckinghamshire HP7 9EF,  
March 27.

## LETTERS TO THE EDITOR

1 Pennington Street, London E1 9XN Telephone 0171-782 5000

### Confusion over safety of US meat

From Professor Ian C. Shaw

Sir, The US is trying to force the EU to import its meat, which could have been produced using growth-promoting hormones (report, March 23; letter, March 26). I believe that most people in the UK do not want to eat meat which might contain hormone residues because they perceive the risk as being significantly greater than it is. The infinitesimally low residues in US meat are likely to have no effect on the consumer.

Acute effects of such residues are known to be negligible. The long-term effects are more difficult to assess. Even though animal studies suggest no effects, we can never be certain what might happen to the human consumer over a long period, but the risk is very low.

Hormones were banned from UK farming in the early 1980s to comply with an EC Directive, although the UK authorities at the time opposed the ban because there was no scientific evidence that hormones, used properly, were harmful. The ban was left to be necessary because of the misuse of a specific group of hormones, which were thought to present a cancer risk after long-term exposure. They had been found in food at levels which would have had an acute toxic effect.

The term hormone can be misleading. In the present situation we mean synthetic hormones. All meat contains natural hormones and this can present a difficulty for regulators policing the use of hormones. For example, testosterone, the male hor-

mone, is present in bulls at much higher levels than in cows. Bull beef will provide a greater dose of testosterone than beef from a cow. If testosterone had been used to promote growth in female animals the dose to the consumer would probably be about that from bull beef, but the cow meat would be illegal in the UK because a growth-promoting hormone had been used. This illustrates well the confusion over hormone residues in meat in both consumers' minds and from the point of view of safety.

More important, hormone growth-promoters increase yield and so may reduce the number of farmers needed. Meat produced in this way is also cheaper. UK farmers are already finding it difficult to cope with cheap EU imports. Many growth-promoting hormones result in leaner meat. Americans like this, partly because of a positive health effect, but also because they do not like fatty meat. In the UK we prefer flavoursome meat, which fat promotes.

In my opinion, the best way forward would be to let the US export meat to us and so comply with the Meat Hygiene Regulations, but to enforce labelling so that the consumer can decide whether to risk eating hormone residues. I suspect that if we do this there will be no market here for US meat.

Yours faithfully,  
IAN C. SHAW,  
(Head), Centre of Toxicology,  
University of Central Lancashire,  
Preston PR1 2HE,  
March 26.

### An end to poverty?

From Mr James D. Craig

Sir, Your leading article on Tony Blair's Beveridge Lecture (March 19) might have made the point that, however laudable the sentiment, the concept of removing poverty, most particularly in respect of children, is an illusory nonsense.

All but a tiny proportion of the poor currently with us are, in absolute terms, infinitely richer than those of average means in Beveridge's time, to say nothing of the world at large even today. For as long as talent and effort are rewarded, as they must be in any society where personal freedoms are not crushed entirely by an Orwellian state, earnings will vary from one family to another and, by definition, some families will exist — no matter how well stocked their larders or their CD collections — in relative poverty. Childhood poverty is an especially

difficult target to address since children cannot be the direct beneficiaries of cash grants or tax credits. No matter how poor a parent's record in deploying resources for his or her child's health and welfare, we are, with good reason, reluctant to make the care of that child the responsibility of anyone else.

We may take some comfort from the fact that Mr Blair has allowed 20 years for the completion of this hopeless objective. But it is a great pity that he bothered to paint the mirage at all, reinforcing the already too prevalent notion that the highest standards of living projected to the sitting room via the satellite dish funded by the weekly giro are somehow a right of citizenship.

Yours faithfully,  
JAMES D. CRAIG,  
36 Auchinloch Road,  
Lenzie, Glasgow G66 5HA,  
March 19.

### Science in Russia

From Sir Arnold Wolfendale, FRs

Sir, Your second leader yesterday referred to Yevgeni Primakov's planned visit to the IMF and the need to have him carry out the reforms agreed in previous IMF deals. I would add another to the list: to pay livable salaries to the diminishing number of scientists employed in Russia's institutions.

Russia's contributions to science have been legion but the present lack of funds has had dire consequences. Very few young scientists are left in their prestigious institutions and the older ones need to earn money abroad — where this is possible. Science in

Russia is grinding to a halt.

It is surely to the great discredit of the West that our financial tutelage has been completely ineffective. One would have thought that our experience of the activities of our own "fat cats" would have alerted us to the dangers inherent in a fledgling democracy.

The prospect of a democratic Russia without a scientifically literate population is frightening to contemplate.

Yours sincerely,  
ARNOLD WOLFENDALE,  
Department of Physics,  
University of Durham,  
Science Laboratories,  
South Road, Durham DH1 3LE,  
March 24.

### Lords reform

From Mr Peter F. Hanbury

Sir, The article by Andrew Tyrie, MP (March 26), sets out clearly the case for an elected House of Lords rather than a retirement house for government appointees after the hereditary peers are abolished.

I would go further and suggest that the powers of a new, elected, Upper House should be increased. I believe we are on the verge of an elected dictatorship already. Free debate in the Commons is increasingly being reduced by the Government, therefore it is vital that a second chamber exists to foster free debate and with the power to restrain the wishes of the government of the day.

Yours faithfully,  
PETER HANBURY,  
Hill Ash Farm, West Harting,  
Petersfield, Hampshire GU31 5NY,  
March 27.

### The Irish question

From Mr Charles Quant

Sir, Will somebody in Sinn Fein please tell us what the IRA wants its weapons for?

Yours faithfully,  
CHARLES QUANT,  
Silverwood,  
Gwynnynydd,  
Mold, Flintshire CH7 5LE,  
March 29.

### Top cat?

From Mrs Sandra Mackenzie Smith

Sir, I presume that Java, the cat who was welcomed back to England in your Personal Column today (after six months' quarantine at the Court Park Cattery), will be using *The Times* in his litter box each day.

Yours,  
S. MACKENZIE SMITH,  
30 Prothero Road, SW6 7LZ,  
March 25.

### Gender misassigned

From Ms S. E. Marshall

Sir, Your report (News in Brief, March 23) that "a man who had a sex-change has won the right to join the police as a WPC" is perversely worded, though sadly accurate as the law stands. It is clear from their judgment that the employment tribunal treated the applicant as a woman. Indeed, West Yorkshire Police (who have a good equal opportunities record) would happily have employed her as such had they not thought they were legally barred from doing so.

Though the applicant may once have looked male she would not have sought gender reassignment had she been a man. The sooner this logic is recognised and those whose gender has been (understandably) misassigned at birth are allowed to correct not only their physical attributes but also their legal status the better. The money wasted trying to uphold a legal nonsense could have been more usefully spent policing West Yorkshire.

Yours faithfully,  
SUSAN MARSHALL,  
Exeter College, Oxford OX1 3DP,  
March 24.

### No red card this time

From Dr Dave Allen

Sir, A leading English football coach speaks about reincarnation and spiritual healing and loses his job. A second leading coach seduces a 15-year-old girl and is sent to prison but keeps his job (report, March 27).

Can there be a more eloquent testimony to the dominant values in this once great game?

Yours faithfully,  
DAVE ALLEN,  
35 Broad Street,  
Old Portsmouth PO1 2JD,  
113070.1251@compuserve.com

Letters for publication may be faxed to 0171-782 5046. e-mail to: letters@the-times.co.uk

### No benefits in Bill for future disabled

From Mr Ian Bruce, Co-Chair of the Disability Benefits Consortium, and others

Sir, In the analysis of Gordon Brown's Budget little mention has been made of the fact that the tax giveaways of the future will be partly paid for by reductions in social security spending: £750 million a year will be cut from disability benefits in the Government's Welfare Reform and Pensions Bill.

When the Bill was published the Prime Minister wrote that it signalled the end of the "something for nothing culture", and Alistair Darling, the Secretary of State for Social Security, said that the Bill would meet the Government's aim to provide "security for those who cannot work".

On the contrary: the cuts contained in the Bill mean that thousands of people who become disabled in future will be denied vital benefits, far outweighing the few who will benefit more. These are people who may have paid national insurance for years or who may have spent years bringing up children or caring for relatives. If they are no longer able to work they will face insecurity.

That is why disabled people will be lobbying their MPs tomorrow, Tuesday. They will be doing so not on their own behalf, but on behalf of the thousands who perhaps don't think the issue of disability benefits cuts is anything to do with them: those who will become disabled, and for whom national insurance will have been an expensive waste of time.

We urge the Government, and all MPs to amend the Bill as it goes through Parliament. The swingeing cuts to thousands of people's future security must be reversed.

Yours faithfully,  
IAN W. BRUCE,  
Royal National Institute for the Blind,  
SCOPE,  
BERT MASSIE,  
Royal Association for Disability and Rehabilitation,  
LORNA REITH,  
Disability Alliance,  
JAMES STRACHAN,  
Royal National Institute for Deaf People,  
RICHARD WOOD,  
British Council of Organisations of Disabled People,  
224 Great Portland Street, WIN 6AA,  
March 29.

### Wedding gifts

From Mr Geoffrey Robinson

Sir, Many years ago, as a practising stained-glass artist, I made as a gift when an old school friend of mine got married (letters, March 18 and 24) a leaded-up stained glass roundel of coloured pieces, about 8 inches in diameter, complete with attached loop, that he could hang in a window for, I hoped, pleasing decorative effect.

Visiting them a couple of years later, I found that, not knowing what it was for, they were using it as a teapot stand.

Yours faithfully,  
GEOFFREY ROBINSON,  
Peregrina,  
18 Royal Park, Clifton,  
Bristol BS8 3AL,  
March 24.

From Mr D. L. B. Hartley

Sir, Bernard Shaw gave advice (of course) about wedding presents. Instead of giving people things you must give them money and let them buy what they like with it... When a young lady is married give her money (I always do)... Money is the most convenient thing in the world. (*The Intelligent Woman's Guide to Socialism*, chapter 6, 1928).

Yours sincerely,  
DESMOND HARTLEY,  
Ghyll Bank,  
Brook Road, Windermere,  
Cumbria LA23 2BU,  
March 24.

From His Honour Judge William Rose

Sir, Monsignor Graham P. M. Adams (letter, March 18) would presumably not wish his gift of bathroom scales to carry the message (or even the interpretation): "Thou art weighed in the balance, and found wanting."

Yours faithfully,  
WILLIAM ROSE,  
Wandsworth County Court,  
76-78 Upper Richmond Road,  
Putney, SW15 2SU,  
March 24.

From Mr Maurice D. Stanton

Sir, About two years ago my wife and I were invited to the wedding of a friend's daughter. We selected a gift from the wedding list included with invitation; bride notified by store; father of bride disinvites us from wedding.

Why? Because he stated the value of the gift had to relate to the number of years we had known him.

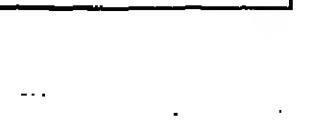
Was it our present or our presence that was required at the wedding?

Yours etc,  
MAURICE D. STANTON,  
52 Montpellier Rise,  
Wembley,  
Middlesex HA9 8RQ,  
March 24.











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# Profit from a passage to India — and elsewhere

Henrietta Lake reports on better support for exporters

Exporting may be a sensitive issue in the business community at the moment. Britain's trade gap with the EU is expanding, exports have fallen to their lowest level in four years and sterling is reaching record highs. But small and medium-sized firms know that they cannot afford to ignore the opportunities and are working hard to grab sales outside the UK.

The Government has acknowledged that it is not providing the best support for these firms. Earlier this month the Foreign Office announced the foundation of British Trade International (BTI).

The new organisation will co-ordinate export services for businesses, ensuring that the £20 million of public funds allocated to promoting exports is better spent, that campaigns are better targeted and most importantly that the turf war between the Department of Trade and Industry and the Foreign Office over administering that support is ended.

Sir David Wright, currently Ambassador to Tokyo, will return to the UK on May 4 to take the helm of the new unit. He has six months, he plans to restructure the delivery of export assistance at a regional level through Business Links and the new Small Business Service. He will also oversee a marketing drive to raise BTI's visibility so that businesses know where to go for help.

Richard Somerset is sales manager of M4 Data, a designer and manufacturer of computer hardware. He has just returned from a trade mission to India organised by the British Chambers of Commerce and supported by the DTI. He said: "Now I'm on the DTI exporters list I am deluged with information from all sorts of

countries. I've made the contacts I need. Now I wish they would just let me get on with it."

A DTI spokeswoman acknowledged that this was a common concern: "The DTI will address the current problem of competition between different desks at the DTI."

"Rather than receiving information about the benefits of exporting to Turkey one day, and the next, more paper saying no, Azerbaijan is the place you want to be, exporters will be able to telephone a call centre and say this is my product, where are the best export opportunities?"

Attention will be focused on 15 countries that have been identified as having particularly good opportunities rather than the 80 "priority" areas that are currently promoted. The trade mission scheme, Export Explorer, will be extended. The package, costing £99, plus discounted travel and accommodation costs, covers the visit, contacts, country information and follow-up.

The idea is to develop a coordinated national strategy on exporting and to sign up other organisations such as the BCC, the Institute of Export and the Confederation of British Industry, which already organise their own export services.

The BCC currently runs a successful scheme called Partnership with EU and DTI support. Earlier this month it organised a mission to Delhi in India, one of the 15 countries that will become a BTI priority.

It was the first trade mission that Stewart Halstead, managing director of Reliant Cars in Brimingham, Staffordshire, had been on. He said: "I heard about the trip through a com-



Stewart Halstead: "Perhaps the message about what export help is available is not getting through as well as it should"

tact I already have in India. Perhaps the message about what export help is available is not getting through as well as it should. You need to use your initiative and go out and look yourself."

Mr Halstead, who employs 60 people and has a turnover of £6 million, 10 per cent of which comes from exports, wanted to find contacts to whom to market Reliant's expertise in firebrakes, and to seek cost-saving components.

"I was overrun with interested firms at the exhibition," he

said. "It is very easy to be overawed, so it is important to go armed with a very focused idea of what you want. I achieved everything I had come here for and was very impressed by the whole operation."

The 45 British delegates were given talks on market and legal issues, and interpreters and consultants who had already done business in India were on hand to offer advice. The main exhibition lasted two days and delegates were provided with a brochure with in-

formation about all the companies involved. However, one delegate suggested that it would have been useful to have had more detailed descriptions so that they could be more discriminating about the firms that they wanted to see. Flights were flexible so delegates could arrange more meetings before or after the main event.

The whole trip cost delegates between £2,000 and £2,500, depending on how long they stayed in India. This included discounted hotel bills and air fares, and most firms will receive a £400 grant from the DTI towards travel costs.

Mr Somerset said: "It would have cost me another £1,000 at least to have organised the trip on my own."

M4 Data, which has a turnover of £15 million, 70 per cent coming from export sales, has been hit hard by the slump in Far East. The business has lost between £3 million and £4 million in sales since 1997. Mr Somerset, whose exports to India are already worth

TRADE MISSIONS				
When	Where	Organiser	Contact	
April 15	Dallas, USA	BCC	01203 694484	
May 10	Vienna, Austria	BCC	01203 694484	
June 20	Brussels, Belgium	DTI	01229 771000	
June 20	Oslo, Norway	DTI	01608 734200	
June 20	Reykjavik, Iceland	DTI	01241 228207	
June 27	Amsterdam, Netherlands	DTI	0121 507 6116	
September 23	Belfast, Ireland	BCC	01203 694484	
October 23	Frankfurt, Germany	BCC	01203 694484	

## Table highlights late payers

If you want to be paid on time, avoid football clubs. This is one of the messages in payment performance tables for more than 2,500 of Britain's largest companies, which are published today by the Federation of Small Businesses.

The tables, based on analysis of annual company reports by Dun & Bradstreet, the business information group, are the first to be published as a result of regulations requiring firms to state in their annual reports the average length of time it takes them to pay their bills.

Among the slowest-paying companies, according to the research, were World Telcom

(258 days), Slumberland (113), Bovis Homes (109), Staveley Industries (98), Northern Textiles (116) and several football clubs, including West Ham United (108) and Sheffield Wednesday (105).

Manchester United appears saintly in comparison, paying within 35 days on average. Other good performers were Johnson Matthey (four days), Fortnum & Mason (20) and Liverpool Airport (14).

The research shows that the average time that it takes a plc to pay up is 46 days. Only a third pay within 30 days.

A free copy of the tables is available from 0171-233 7900.

Hewlett Packard is launching a new Internet-based finance package to help small and medium-sized firms to address the problem of obsolescence in their computers. "E-Finance" will deliver direct financing to businesses for the development of any aspect of their technology needs. This includes financing requests for amounts from as little as £900 for products, as well as consultancy and after-sales support. HP offers a competitive fixed interest rate, and firms may exchange their products for upgraded technology after 18 months. Contact 01344 361631.

A free health check for firms confused by new employment regulations is available from Kingston Smith, the accountant. Recent research by the firm revealed that 46 per cent of businesses were uncertain as to whether they were complying with employment regulations. The consultation will also review procedures relating to Paye. Contact 0171-566 4000.

The minimum wage will be introduced on April 1 despite protests from lobby groups that small and medium-sized firms have not been given enough time to implement changes to their business strategies. As an attempt to reduce paperwork, firms will no longer be obliged to print a 250-word statement explaining the new rules. The DTI's minimum wage national helpline is on 0845 8450360.

Michael Burn, design director of Light Years Ahead, a fluorescent light manufacturer in Ipswich, says that Britain's inventors always lose out. LYA has turnover of £500,000 and employs 10 people.

"The UK has an institutionalised culture against innovation. Why should inventors who create wealth through their expertise and work be liable for capital gains tax at full rate on any dividends they receive?"

"Within the Enterprise Investment Scheme there is no tax relief for founder shareholders. Cash invested later by others, when the risk is less, benefits from tax relief at entry and exit. As more investment is needed, the founder's stake is diluted. An encouragement to enterprise and innovation? I think not. Money overrides skill and gets all the rewards."

Any company wishing to express a view in Megaphone should contact In Business.

Burn: money is rewarded

# Could you become the Entrepreneur of the Year?

Big rewards and world recognition are awaiting the winners of our new award

YOU have one month left to enter the contest to find the Entrepreneur of the Year. If you want to be a part of the network of international entrepreneurs that includes Michael Dell, founder of Dell Computer and a winner of the contest in 1998, and Paul Fireman, who set up Reebok and was a winner in 1990, apply here.

British winners will be invited to a conference in Palm Springs, California, in November to network and compare notes with like-minded individuals — the winners from the 20 other participating nations.

The competition, launched last month, is run by the International accountants Ernst & Young and is co-sponsored by the Times and The Citibank Private Bank.

Martyn Thomas, a founder and director of Thomas Morel Foods, is typical of the high calibre of entrants already received, and displays the sort of drive and determination that the award aims to recognise.

Mr Thomas was 22 and fresh from college when he met his partner, Kevin Morel, while working as chef for the Roux brothers. They decided to set up their own vacuum-packed food company, and,



Martyn Thomas says he is no stranger to the production line

after unglamorous beginnings in a garden shed almost ten years ago, the company, now based in Redditch, employs more than 100 staff and has a turnover of £7 million — up 40 per cent on last year. It can count Whitbread, Bass, Scottish & Newcastle and Granada among its high-profile clients.

Mr Thomas recalls how, as a student working in kitchens to make ends meet, he always believed that he could do a better job than his boss, Thomas Morel Foods has since won awards for the technique that



ENTREPRENEUR OF THE YEAR

Enthusiasm and talent are regarded more highly than experience when recruiting staff, many of whom join direct from college.

The company has recently diversified into puddings, restaurant management and food consultancy. Its founders want turnover of £20 million within five years. It is the same drive to improve and expand that Mr Thomas wants to foster in his staff.

He prides himself on working alongside his team on the production line and displaying the sort of humility that would make the fiery Gordon Ramsay blush. He said: "Understanding the contributions that all members of staff can make and learning from them is one of the things that will make this firm achieve its ambitious growth targets."

Application forms for Entrepreneur of the Year are available on 0945 6041012. Entrepreneurs can nominate themselves or be nominated. All applications must be in by April 30. There are a number of categories relating to business sectors, age and to aspects of an entrepreneur's performance.

RICHARD COLWILL

THE TIMES 100 Case Studies WITH BUSINESS NEWS

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The Times 100 Case Studies with Business News brings Business Studies teaching to life, with a collection of Case Studies sent free of charge to all UK secondary schools and colleges every year. The Case Studies give an insight into the huge variety of challenges that businesses face. The public sector is also included, the DFE contributed a Case Study on its skills drive to the fourth edition.

David Blunkett, The Secretary of State for Education and Employment, commented "It is vital, throughout all stages of education, that children and young people see and feel the relevance of what they are learning. What better way, as a student of Business Studies or Economics, to have the curriculum brought into sharp focus than through up-to-the-minute studies of how today's leading edge companies operate? The Times 100 Case Studies with Business News is an excellent example of how this can be achieved."

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Teacher, Applemore College, Southampton.

### Invitation

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## Human tide abandons Kosovo

President Clinton and Tony Blair both vowed to carry on bombing yesterday in the face of escalating violence by Serb forces in Kosovo and an uncontrollable flood of refugees into neighbouring countries.

The Prime Minister said now was the time to stand firm against the brutality and insisted that the Nato air campaign must intensify. President Milosevic should pay "a heavy price" for the atrocities, he said. Of greatest concern was the huge rise in refugees pouring across the borders. Reports, pages 1-7

## Officials impotent as refugees flood in

Yard by yard, the procession of tractors groped their way along the mountain's edge to reach some of the thousands trying to escape Kosovo on foot through mud and snow. Villagers had to use their own vehicles to rescue the latest victims of Kosovo's war, some of whom had been walking for days. Page 3

## Rebels appeal for more weapons

Running short of guns and ammunition, the Kosovo Liberation Army appealed from its mountain hideouts for Nato to provide heavy weaponry for the hit-and-run war against the Serbs. Around Pristina, brigades of the KLA were said to be engaged in hand-to-hand fighting with Serb paramilitaries. Page 5

## A6 murder 'cover up'

Police withheld vital evidence in the trial of James Hanratty, who was hanged in 1962 for the "A6 murder", according to investigations by the new miscarriages of justice authority. Page 8

## Food cuts cholesterol

Benecol yesterday became the first food to go on sale in Britain with a claim that it has proven medical benefits. It can cut cholesterol by up to 10 per cent and so reduce the risk of heart attacks by a third, say its makers. Page 8

## IRA to reveal graves

The IRA was poised to announce the locations of the unmarked graves of three people it killed during the 1970s. The disclosure coincided with the arrival in Belfast of Tony Blair and Bertie Ahern, the Irish Taoiseach, on a last-ditch mission to save the Good Friday peace accord. Page 10

## Model murderer jailed

A former Israeli soldier who murdered a model because she wanted to end their affair has been jailed for life by an Old Bailey judge. Page 11

## Forty pages net £250,000 book deal

A first novel has been signed up by a publisher on the strength of just 40 sheets of paper in a deal worth more than £250,000. Andy McKillop was so impressed by Anna Maxted's writing in *Getting Over It* that he beat off competition from other publishers at the International Bookfair. "Her voice is completely brilliant and compelling," he said. Page 13



Lowland Gorillas Kwibi and Djalta have been hand-reared at Howletts Wild Animal Park in Kent after being rejected by their mother

**Euro falls:** The euro fell to a low against the dollar and the pound, weighed down by the Kosovo conflict and concern about prospects in continental Europe. Page 25

**BP bid:** BP Amoco could be forced to take a goodwill accounting charge of up to \$18 billion in its proposed \$25 billion takeover of Atlantic Richfield. Page 25

**Power threat:** The threat of the first strike in the electricity industry since privatisation loomed after pay talks between National Power and unions representing 1,000 job workers broke down. Page 25

**Markets:** The FTSE 100 index rose 113.7 to 6252.9. The pound fell 22 cents to \$1.6188 and rose .02p to 66.19p against the euro. The sterling index fell to 103.8. Page 28

**Football:** Uefa, the European governing body, needs to act swiftly to maintain control of the Euro 2000 qualifying competition after further postponements. Page 48

**Rugby union:** The new accord with-in Europe could mean a financial return to the six countries involved of £30 million, even before gate receipts are considered. Page 45

**Rowing:** Oxford averaged 1st 10th per man at the Boat Race weigh-in, with Cambridge half a pound a man lighter. The crews are the two heaviest ever. Page 48

**Racing:** Jamie Osborne's retirement, in order to train on the Flat, was greeted with sadness and surprise by friends and foes, but his words left no room to doubt the wisdom of his decision. Page 48

**Competitive spirit:** Richard Cork gives a progress report on how the judging is going in the Times/Arangel Open art competition launched last September. Page 32

**Big gigs:** The Shepherds Bush Empire gives Illinois band Wilco a platform for their sensitive musical vision; and Nick Cave offers music and a lecture in Dublin. Page 32

**Big Screen USA:** Our weekly look at the American movie scene focuses on Elizabeth Hurley and Matthew McConaughey in *EDtv*, Hollywood's latest dissection of TV culture. Page 33

**Dirty talking:** At the Bush Theatre, Mike Packer's satisfying play *Card* Boys tells a lively if foul-mouthed tale of love, sex and relationships in town and country. Page 34

**Musical miracle:** Serious brain damage after a car crash has left Rupert Johnston, a musician, with the mind of a child. But his gift for playing the French horn has survived and offers hope. Page 16

**Desperate measure:** "I needed a radical solution — to the prognosis, to the threat of surgery. I told Nigella I was seriously thinking of not having the operation. Then I asked if she'd help me to commit suicide." — John Diamond. Page 17

**Ouch:** Dr Thomas Sutcliffe explains why gout is no laughing matter for its victims. Page 17

**Under scrutiny:** It is two years since the Criminal Case Review Commission was set up. Page 35

**Model:** Britain should look to the Canadian system when reforming the House of Lords. Page 35

**Passion:** A new law criminalises relations between adults if professionalism is compromised. Page 35

New Yorkers at last glimpsed the possibility that some constructive change will come from the death of Amadou Diallo. The Mayor Rudolph Giuliani seems to be doing his best to demonstrate that he wants to develop better relationships with black leaders. It is imperative that he establish a new understanding between police and the minority community. *The New York Times*

## RADIO &amp; TV

**Preview:** *Supernatural* (BBC1, 8.30pm) takes a look at the heightened senses of some of the planet's animals. **Review:** Joe Joseph admits that he's not one for DIY, unlike some. Pages 46, 47

## OPINION

## Facts on the ground

The crushing of Kosovo is not a response to airstrikes: it is long-planned and would have gone ahead without a Nato decision to act. Mr Milosevic is out to use his firepower before he loses it. That is why Nato has to accelerate its offensive. Page 19

## Semtex not semantics

The real choice on offer is not one between an imperfect compromise that preserves the peace process at the price of sidelining decommunitarianism or a rapid return to violence. Page 19

## Stately homes

The burgeoning of the stately-homes business has let the aristocrats who once formed our governing elite keep their dignity as their political power has been whittled away. Page 19

## COLUMNS

## ANTOINE PALMER

Nobody will give the next Director General of the BBC enough space to make any difference at the BBC. Whoever it is, whatever he'd like to do. Page 19

## LIBBY PURVES

Never is the stoical resolve, the dutiful understatement, of the Armed Service ethos more admirable than when contrasted with the wobbling lips of politicians — two of whom are desperately trying to justify a blunder, and the third wishing he had had the sense to speak against the said blunder. Page 18

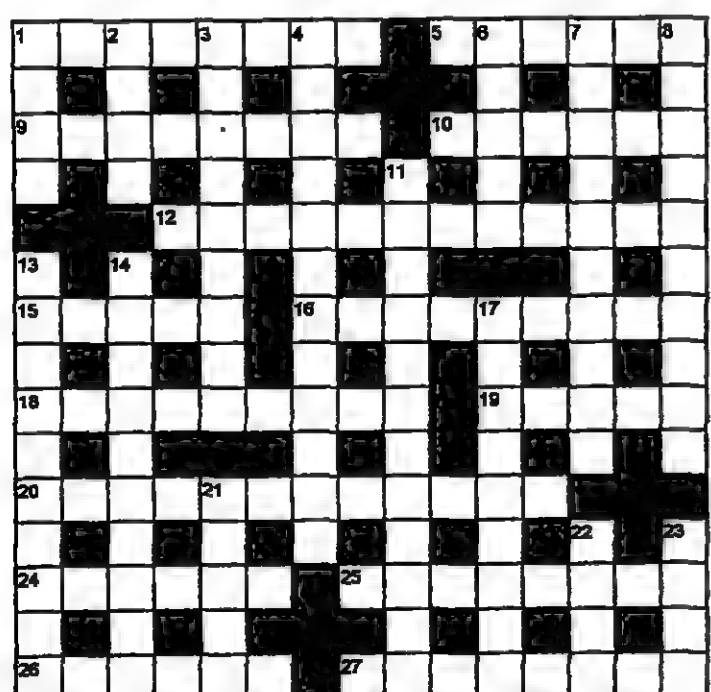
## MICHAEL GOVE

The bloody tragedy in Kosovo should not be allowed to distract us from the black face running in Stormont this week. Page 18

George Ross Goobey, pension fund manager; Group Captain C.K. Saxelby, wartime bomber pilot; Gideon Rafael, Israeli diplomat. Page 21

Nato strikes: US meat safety; disabled benefits; ending poverty; science in Russia. Page 19

## THE TIMES CROSSWORD NO 21,064



## ACROSS

- 1 Fish from boat with painter (4,4).
- 5 A lot of detectives in charge can be caustic (6).
- 9 One by one, armies manoeuvred to capture it back (8).
- 10 Cleric standing right between parent and child (6).
- 12 Does he return in disguise, secret? (5,3,4).
- 15 Don't start to use force on lock (5).
- 16 Chap going to European city for a plant (4,5).
- 18 Husband voices request that may go to wife's head (9).
- 19 Medium of communication used by minor gangsters (5).
- 20 Support in Long Island for New York dockers (12).

- 24 From a copper people get insight (4).
- 25 Removal of excess water from a garden transformed (8).
- 26 Potential young partners who attract little money (6).
- 27 Seafood — over 2000 lbs. taken on board (8).

## DOWN

- 1 It's only right (4).
- 2 Injure horse with weapon (4).
- 3 Having spoken about one strain, turned up interpretation of symptoms (9).
- 4 Wanting more space in attic, one may become very angry (5,3,4).
- 6 Cut into quarry (5).
- 7 Put off the record how old we are (10).
- 8 Familiar artistic society housed in religious building (10).
- 11 Troublemaker among Mother Carey's brood (6,6).
- 13 A steel that is refined, as a minimum (2,3,5).
- 14 House plant appearing every six months (4,6).
- 17 Trial, for defence, has not succeeded (9).
- 21 Inflexible tail of foxhound, say (5).
- 22 Sweet and sour (4).
- 23 Iron used by sailors for brake (4).

## Solution to Puzzle No 21,063

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**THE TIMES**  
FREE BOOKS FOR SCHOOLS  
WALKERS

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**General:** southern and eastern England cloudy and dull with outbreaks of rain, some of them rather heavy, and cold. Some rain will also edge into South Wales and the Midlands, but North Wales and much of northern England will be brighter with isolated showers and a few sunny spells. Northern Ireland will have sunnier and showery. Western Scotland with some heavy showers. Eastern Scotland drier with some better periods of sunshine.

Tonight misty and murky in southern parts of England and Wales; rain will ease off for a while but return by morning. Showers elsewhere will mainly be out but a few will remain in western Scotland, where they will turn wintry over the hills.

**London, SE, Cent S England, E Angles, Channel Is:** rather dull and cloudy with outbreaks of rain, some of them heavy. Light SW wind. Max 15C (59F).

**Midlands, E, SW England, S Wales:** mostly cloudy with rain at times, but drier and brighter in the west, spreading east this afternoon. Light SW wind. Max 15C (59F).

**N Wales, NW England, Lake District, Isle of Man:** a few sunny spells, but mostly cloudy with rain at times, but drier and brighter in the west, spreading east this afternoon. Light SW wind. Max 15C (59F).

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**SW Scotland, Glasgow, Central Highlands, NE Scotland, Argyll, NW Scotland, Orkney, Shetland:** cool and windy with scattered showers, some of them heavy, but in between the showers there will be some sunshine. Fresh to strong SW wind. Max 11C (52F).

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**Republic of Ireland:** a lot of cloud, but some bright or sunny intervals, especially in north. Showers in north, patchy rain in south. Light southerly wind. Max 13C (55F).

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**Hurley, sex and EDtv**

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# THE TIMES

**Check your Fantasy Football!**

Sport, Page 42



BUSINESS EDITOR Patience Wheatcroft

TUESDAY MARCH 30 1999

Dollar and sterling climb amid signs of European weakness

## Balkan crisis sends euro sliding

By ALASDAIR MURRAY  
ECONOMICS  
CORRESPONDENT

THE EURO tumbled to record lows against the pound and the dollar yesterday, undermined by the intensifying conflict in the Balkans and fresh signs of European economic weakness.

The euro fell as low as \$1.0683 — nearly 10 per cent below its post-launch high against the dollar — before steadying to stand around \$1.0720.

The pound also benefited, climbing as high as 66.05p against the euro, some 9 per cent above the levels recorded when the euro first launched.

The pound, however, failed to hold the gains and closed only marginally up at 66.19p while sterling continued to lose ground against the all-

conquering dollar, falling to \$1.6188 from \$1.6211.

Other European currencies local to the Nato action fared even worse than the euro, with the Bank of Greece forced to intervene in the market to try and stem a run on the drachma.

Analysts predicted that a further escalation in the Kosovo crisis would quickly push the euro down towards \$1.05 and even to \$1.04 — a level that implies a near ten-year low against the dollar for European currencies which now constitute the euro.

However, even if there is a solution in Kosovo, traders predicted that the euro will remain under pressure because of the faltering eurozone economy.

Speculation that the European Central Bank may cut rates at its next policy meeting on April 8 has been rising in recent weeks, with the ECB com-

ing under pressure to halt Europe's economic slowdown.

The Organisation for Economic Co-operation and Development last week said in its first post-euro report on monetary union that there was scope for a rate cut, while the International Monetary Fund's executive board is reported to have privately demanded an ECB rate reduction last weekend.

The European Commission is expected to add further to pres-

sure on the ECB today, when it officially reduces its eurozone growth forecasts from 2.6 per cent to 2.1 per cent.

The ECB appears to have softened its stance in recent days, with senior ECB members mov-

ing from their preferred original formula that European rates were already low enough to support growth. Otto Issing, ECB chief economist, became the latest to hint that rate cuts are now possible, commenting that while prices remain stable, there is evidence of a "slightly declining trend" in growth.

Evidence that the slowdown is now beginning to affect the previously robust French economy emerged yesterday, when Dominique Strauss-Kahn, the French Finance Minister, was forced to revise his forecast for growth from 2.7 per cent to between 2.2 and 2.5 per cent.

Hopes that the Bank of England may also cut British rates again next week remained intact after new data published yesterday showed a sharp fall in consumer borrowing.

Consumer credit growth fell from £1.3 billion in January to £935 million in February. The cause of the decline was lower growth in overdraft and personal loan borrowing as consumers tightened their belts after the January sales. However, credit card lending ticked up to £365 million, leaving analysts cautioning that there is no evidence of a slowdown in consumer appetite for credit.

Bank of England data also revealed that the property market showed fresh signs of life in February, with the number of new mortgage approvals rising from 80,000 to 87,000, the highest figure since last June.

Michael Cogan, director general of the Council of Mortgage Lenders, said: "These figures suggest that the housing market has made a good start in 1999."

Stock market, page 28

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**Anatole Kaletsky**  
Challenge for Opec on cartel's golden goose

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### STOCK MARKET

FTSE 100	6252.9 (+113.7)
Yield	2.47%
FTSE All Share	2078.1 (+43.30)
Nikkei	16000.84 (+8.15)
New York	9079.03 (+108.79)
Dow Jones	1080.50 (+22.89)

### US RATE

Federal Funds	4.75% (4.75%)
Long bond	6.45% (6.45%)
Yield	6.45% (6.45%)

### LONDON MONEY

3-month bill	4.75% (4.75%)
6-month bill	4.75% (4.75%)
12-month bill	4.75% (4.75%)
18-month bill	4.75% (4.75%)
24-month bill	4.75% (4.75%)
30-month bill	4.75% (4.75%)
36-month bill	4.75% (4.75%)
42-month bill	4.75% (4.75%)
48-month bill	4.75% (4.75%)
54-month bill	4.75% (4.75%)
60-month bill	4.75% (4.75%)

### STERLING

New York	1.6149* (1.6237)
London	1.6108 (1.6209)
Frankfurt	1.6104 (1.6202)
Paris	1.6070 (1.6205)
Yen	119.75* (120.55)
£ Index	103.8 (103.4)

### US DOLLAR

London	1.0716* (1.0770)
Frankfurt	1.0678* (1.0730)
Paris	1.0675* (1.0725)
Yen	119.75* (120.55)
£ Index	103.8 (103.4)

### NORTH SEA OIL

Brent 15-day (Jan.)	\$14.45 (\$14.30)
WTI	\$14.45 (\$14.30)

### COMMODITIES

Gold	\$280.95 (\$278.55)
Platinum	\$1000.00 (\$990.00)
Palladium	\$1000.00 (\$990.00)
Silver	\$1000.00 (\$990.00)
Copper	\$1000.00 (\$990.00)
Aluminum	\$1000.00 (\$990.00)
Zinc	\$1000.00 (\$990.00)
Nickel	\$1000.00 (\$990.00)
Lead	\$1000.00 (\$990.00)
Iron	\$1000.00 (\$990.00)
Steel	\$1000.00 (\$990.00)

## BP Amoco faces \$18bn charge on Arco deal

By CARL MORTISHED, INTERNATIONAL BUSINESS EDITOR

BP AMOCO could be forced to take a goodwill accounting charge of up to \$18 billion (£11 billion) in its proposed \$25 billion takeover of Atlantic Richfield Company (Arco), enough to wipe out the savings gained from combining the two oil companies' vast operations in Alaska.

BP Amoco and Arco confirmed yesterday that discussions are under way "concerning a possible combination transaction". The two companies insisted that no definitive agreement had been reached but the market is expecting a \$77 per share offer from BP, using the British company's highly rated shares as payment.

A takeover of Arco would enable BP to leapfrog over Shell into the number two position worldwide after Exxon-Mobil, with a market capitalisation of about \$195 billion and oil production of more than four million barrels per day.

US oil stocks rocketed yesterday, anticipating further tie-ups with Arco shares rising 10 per cent to \$72. Tesco shares gained with the revival of talk that it would take over Burlington Resources, while Chevron is being linked with Phillips Petroleum and Conoco.

BP Amoco shares gained 40p to 1077p, closing at an all-time high. The Arco deal is being mooted just three months after BP completed its takeover of Amoco and suggests that BP's board, led by Sir John Browne, is keen to exploit the strength of its shares at a time when the stock of other oil companies has been weakened by the oil price.

Analysts speculated that a takeover of Arco could yield \$1 billion in savings from merging the Prudhoe Bay operations in Alaska and removing head office costs. Arco is already targeting \$500 million in savings by 2000 after announcing a programme of layoffs in October.

However, under accounting rules, BP will not be able to account for the integration of Arco as a merger as the US company represents only some 15 per cent of the value of BP Amoco. That raises the spectre of a write-off of some \$18 billion in goodwill over the life of its reserves. Arco has about 13 years of production, suggesting a charge of more than \$1 billion per year to BP.

A takeover of Arco would put BP into a dominant position in Alaska, potentially raising delicate political issues in the US state which is entirely dependent on oil production.

Paul Spedding, analyst at Dresner Kleinwort Benson, cast doubt on whether BP could replicate pro rata the \$2 billion in cost-savings available from its Amoco merger. He said: "BP and Arco have already been running Alaska as a joint venture and there is not much overlap downstream."

Arco's refining and marketing business is focused on the West Coast of the US where it owns 1,700 petrol stations. BP Amoco's marketing business is mainly in the East and Midwest.



Browne share strength

## Liffe and LCH to run joint venture

By GRAHAM SEARJEANT, FINANCIAL EDITOR

LIFFE, the London futures and options exchange, is to join forces with the London Clearing House to develop new contracts and services.

A Liffe/LCH Development Board is being set up as a practical alternative to a merger, which both sides see as time-consuming and likely to expose more conflicts of interest than it resolves.

Brian Williamson, chairman of Liffe, said that the two organisations had long been considered to be "joined at the hip" and that critics claimed that Liffe was at a disadvantage in not owning its own clearing house.

Sir Michael Jenkins, chairman of LCH, said that electronic trading has made the appeal of new financial derivatives depend as much on the safe use of capital as on trading systems and availability. Liffe needed one body where all these skills reside.

The development board includes Alastair Clark, an ex-

ecutive director of the Bank of England, and is open to new partners. "It shows that London can get its act together when it needs to," Mr Williamson said.

Both sides are developing instruments linked to the over-the-counter derivatives market which will not be included in the new alliance.

"The LCH is eager to develop new services, including possibly acting as a counterparty guarantor for trading in international shares, but might be hampered by its essentially non-profit status. Developments in the joint venture are likely to be financed equally, but would operate on a commercial basis, in line with Liffe's profit-making ambitions."

## Olivetti lifts telecom bid to £39bn

OLIVETTI yesterday raised its bid for Telecom Italia (Carl Mortished writes).

The conglomerate, led by Roberto Colaninno, is now offering £15 per ordinary share of Telecom Italia, Italy's state telephone company, up from its previous £10 offer. This lifts the bid's value to \$64 billion (£39.5 billion), from \$38 billion.

Signor Colaninno said that the offer was definitive and final, involving £12 billion of capital-raising by Telecom Italia's subsidiary.

However, analysts were uncertain whether it was high enough, given the rocky valuations of telecom companies.

James Golob, of Deutsche Morgan Grenfell, said that £15 was about the minimum at which success could be achieved. "The bid is now more in the running, but you can justify something in the mid-teens per share," he said.

"People, however, have not been that impressed with Telecom's Italy's actions to date."

## Strike threat at National Power

THE THREAT of the first strike in the electricity industry since privatisation loomed yesterday after pay talks between National Power and unions representing 1,000 key workers broke down. Industrial action could trigger power cuts because the workers involved operate all the power stations of the country's biggest non-nuclear generator.

A source close to the talks said: "We are frustrated and concerned that the pay talks have not been successfully concluded. Industrial action cannot be ruled out."

The unions have asked for pay increases of more than 5 per cent for industrial and engineering staff. But National Power has offered only 2.2 per cent. Present pay arrangements end next month. The unions have called for rises exceeding inflation because they say they have introduced flexible working arrangements.

The unions, which include the normally moderate AEEU and the Engineers and Managers Association, Unison and the GMB, are also thought to have raised concerns about National Power's strategy.

Some believe that the company lacks direction in the UK and is weakening its position just as it loses market share because of government demands for it to sell power stations. One official said: "We have huge concerns about the future of National Power. It seems to be using the UK operations as a cash cow for overseas expansion and does not have a clear sense of where it is going here."

The City has also criticised National Power for a series of apparent policy U-turns. Last month it was disclosed that a £10.7 billion merger with the power and water business United Utilities had collapsed. But National Power had always maintained that it had not wanted to buy a full regional power operation, let alone a multi-utility.

## M&S cuts jobs of 400 managers

THE culling of executives at Marks & Spencer under Peter Salisbury, the new chief executive, spread to middle management yesterday when the retailer said it will make about 400 redundant from its head office in London's Baker Street (Adam Jones writes).

M&S is trimming its buying and store development departments, with the loss of about 200. About £8 million has been earmarked for compensation.

An M&S spokeswoman estimated a further 200 jobs are likely to go when support functions at Baker Street are reviewed. She said it would give more responsibility to younger managers.

Last month, 33 senior executives — roughly a quarter of the top managers in the group — were made redundant.

About 3,800 workers are employed at head office. M&S employs 70,000 worldwide. It is estimated that M&S's falling sales have caused more than 2,600 job losses in the textile and clothing industries.

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## Grid made £892m by selling shares in Energis

National Grid made £892 million from its sale of 60 million shares in Energis, its telecoms subsidiary.

The electricity transmission business sold down its stake in Energis several weeks ago to fund its £2.7 billion purchase of New England Electricity System, the Massachusetts power company. The Grid released details of its gain on the shares, which were sold as the value of the telecoms sector soared, ahead of going into a closed period before its full-year results.

The company gave warning that it would take a £53 million charge on closing out interest rate swaps that were taken out in 1995 at a much higher level than the prevailing rate. It will also report that under-use of the power system, mainly because of the mild winter, has cost the company £24 million.

### Bemrose disposal

Bemrose Corporation, the maker of calendars, Letts diaries and promotional goods, is selling a US supply operation for \$130 million (£80 million), leading to a £43 million return of capital to shareholders. The group reported pre-tax profits of £11.6 million (£23 million) after a £9.5 million exceptional charge related to the sale of the US business. Sales rose from £203.3 million to £216.6 million. Earnings per share fell from 36.7p to 10.9p. A dividend of 11.35p will be paid, making a total of 17.5p (16.25p).

### Stansted go-ahead

Stansted airport, the fastest growing segment of BAA, the airports operator, announced yesterday that it has received local authority planning permission to double capacity to 15 million passengers a year. The £200 million development will occur through expansion of the existing terminal and two new satellites on the airfield.

### Greenalls search

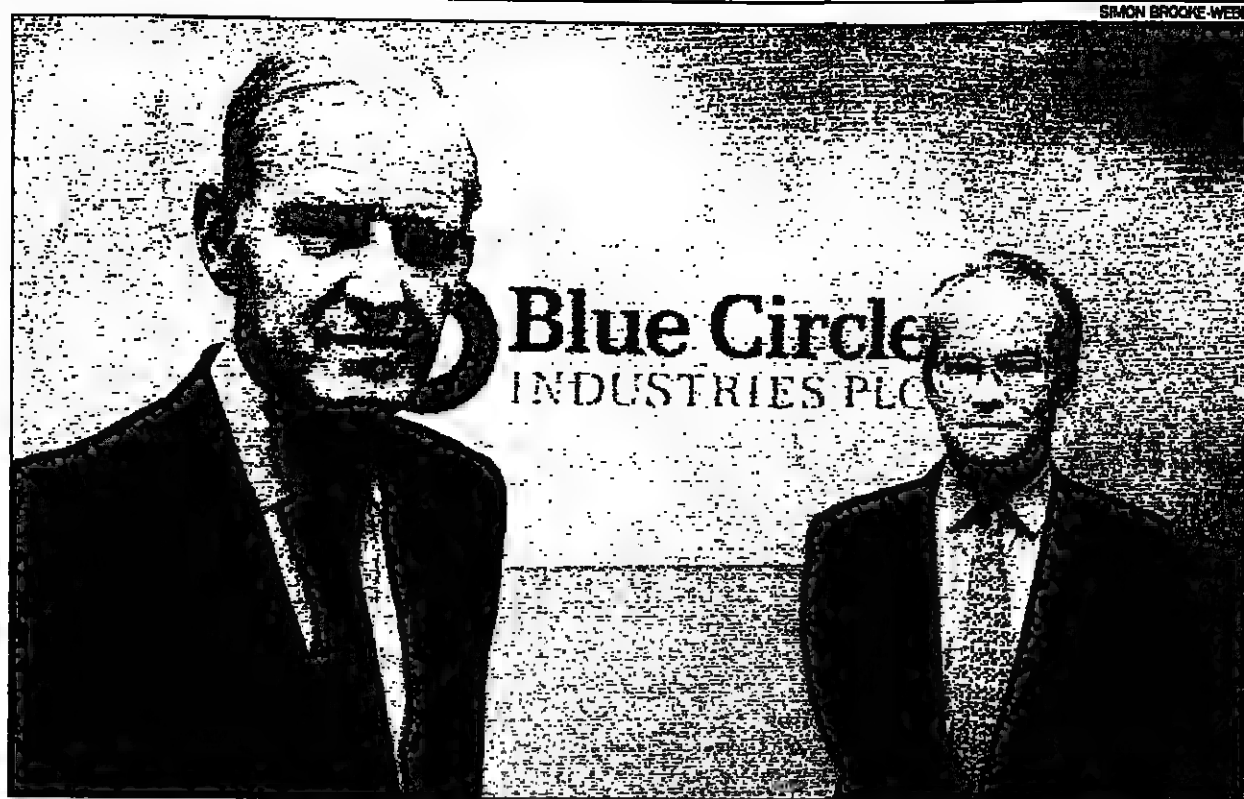
Greenalls Group is expected to seek buyers for its distilling and drinks wholesaling businesses after the sale over the weekend of Stron Leisure, its amusement machines arm.

### GKN swap

GKN, the engineer, is strengthening its presence in the US by swapping car parts businesses with Dana, an Ohio-based group that is one of its joint venture partners.

### Antisoma boost

Antisoma, the London cancer treatment company quoted on Easdaq, has been granted seven years of exclusivity for marketing its lead drug in the US.



Keith Orrell-Jones, left, and James Loudon, finance director, reported a 7 per cent fall in pre-tax profit last year

## Glaxo shares propelled by fresh merger hopes

By PAUL DURMAN

SHARES in Glaxo Wellcome and SmithKline Beecham raced ahead by 4 per cent yesterday on fresh hopes of pharmaceutical mega-mergers. Glaxo Wellcome climbed by 83p to £19.79 and SB rose 32p to 855p, adding about £5 billion to the companies' combined value and contributing to a 113.7-point rise in the FTSE 100 index of leading shares.

The latest excitement stems from the disclosure that Glaxo and its chairman, Sir Richard Sykes, recently sought a deal with Bristol-Myers Squibb, the American drugs group that is struggling with a succession crisis. Bristol-Myers paid Charles Helmbold, its chairman and chief executive, \$21.6 million in stock last year to persuade him to carry on working beyond the age of 65.

Glaxo's talks with Bristol-Myers having foundered, investors believe that the British company may seek to resurrect last year's failed merger with SB, whose chief executive, Jan Leschly, is due to retire in September next year.

SB resolutely insists it intends to retain its independence, and many analysts believe that the bad blood between it and Glaxo runs far beyond Mr Leschly. Referring to SB's expected blockbuster treatment for diabetes, one analyst said: "There's more chance of Glaxo happening if Avandia fails."

He added: "Sykes now has two failed bid approaches to his name. I wonder if the market will be as harsh to him as to Jan Leschly." Glaxo has overcome the loss of its patents on Zantac, its big-selling ulcer drug, and is set to grow at 8 to 10 per cent over the next five years — but some consider that too slow to keep pace with fast-expanding companies such as Pfizer.

Sir Richard sees much more scope for consolidation in the fragmented pharmaceutical industry. However, as companies become larger, it becomes much harder to sustain rapid growth, because even big-selling drugs have less impact. Novartis, the Swiss group formed from the merger of

Ciba and Sandoz, has found it much easier to cut costs than to increase sales. One industry executive said of Sir Richard: "Like many small men, he seems obsessed with size."

Bristol-Myers, the world's leading cancer company, is regarded as a good therapeutic fit with Glaxo. Sales of Pravachol, its cholesterol-lowering drug, have disappointingly lagged the market, and the company also faces a continuing patent battle to protect Taxol, its cancer blockbuster.

Both Glaxo and Bristol-Myers have been suggested as potential partners for Roche, but the ownership structure of the Swiss group makes this look less likely.

## Blue Circle gives Asian warning

By PAUL ARMSTRONG

BLUE Circle Industries, the international cement producer, gave warning yesterday that it faced another poor year in its crucial Asian markets.

Keith Orrell-Jones, chief executive, said that despite early signs of a recovery, Asian demand in the first half was likely to be lower than at the same time last year.

Blue Circle also announced yesterday that its 1998 profit before tax and exceptional items had fallen 7 per cent last year to £318 million.

An exceptional charge of £43.8 million stemming from the planned closure of two UK cement plants left the pre-tax result at £274 million.

This compares with £246 million in 1997, when write-offs from asset sales resulted in a £95.7 million exceptional charge.

The result was at the lower end of expectations and, when combined with the outlook, prompted some analysts to reduce their 1999 pre-tax forecasts by about £10 million to between £300 million and £310 million.

A final dividend of 10.35p was declared, taking the full-year payout to 15.2p, up 4.8 per cent.

"The economic recovery in the Far East is slow in coming," Mr Orrell-Jones said.

Profits from Blue Circle's UK cement operations rose 11.3 per cent to £75.8 million on the back of higher prices and increased exports.

Mr Orrell-Jones said the UK operations had achieved annual cost reductions of about £18 million from a target of £50 million and further inroads would be made in May when the company closed its high-cost Plymouth and Mazon Works operations.

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## BUSINESS ROUNDUP

### Associates buying rival Platinum

COMPUTER ASSOCIATES, one of the largest makers of business software, is buying the rival Platinum Technology International for \$3.5 billion (£2.17 billion). The cash offer represents a 196 per cent premium to Friday's closing price, but will give Computer Associates, based in New York, access to Platinum's consulting services and software for managing data and technology. Computer Associates will fund the acquisition through a \$4.5 billion credit line with Credit Suisse First Boston Group.

Platinum Technology, which is based in Illinois, provides software products and consulting services that help companies to manage and improve systems and database management, e-commerce, data warehousing and year 2000 re-engineering. The company, established 12 years ago, has more than 120 offices across six continents. Computer Associates has more than 13,000 employees and had revenues of \$5.1 billion last year. Platinum had 1998 revenues of \$948 million. Sanjay Kumar, the president and chief operating officer of Computer Associates, said: "This transaction provides tremendous synergies in products, markets and services, with very little overlap, creating exciting growth opportunities for [Computer Associates] in many new and emerging markets."

### LVMH wins delay

LVMH, the French luxury goods group, has won an extra week to launch a full takeover bid for Gucci, the Italian leather and fashion house. A Dutch court granted a seven-day delay, urging both sides to negotiate an amicable settlement. The delay means the talks may continue until April 6 before LVMH's full bid goes into operation. The French company has been locked in a battle for control of Gucci since early this year when LVMH built up a 35 per cent stake in the Italian group and then asked for a seat on the board.

### British Regional up

SHARES in British Regional Air Lines, the short-haul carrier that flies in the British Airways livery, climbed after the group said profits rose 33 per cent and current trading was ahead of budget despite the competitive pressures being felt in the industry. The company, chaired by Sir Michael Bishop, its leading shareholder and the chairman of British Midland, said that 1998 pre-tax profits were £5.1 million and earnings were 8p (5.9p) per share. The maiden dividend is 0.88p. The shares, floated at 150p last summer, closed last night at 80p up 10p.

### Cooper dividend back

FREDERICK COOPER, the kitchenware and hardware group, is restoring the interim dividend at 0.7p a share, after a two-year gap, in the light of the improved trading outlook. The company, which has emerged from a lengthy period of restructuring, reported 1998 pre-tax profits of £900,000 before exceptional items (£700,000). Adjusted earnings rose to 4.5p a share from 2.1p. The company has reached agreement with Barclays Bank to provide a new £12 million facility, comprising an overdraft and medium-term loan.

### Hammerson on spree

HAMMERSON, the international property group, said yesterday it is paying £33 million for four office blocks at Euston Square, at the London railway terminal. It is buying the properties, which have a yield of 7.8 per cent on annual net rental of £6.5 million. The acquisition, from Kajima, the troubled big Japanese construction company, is part of a £200 million buying spree that Ronald Spinney, the Hammerson chief executive, signalled the company would be going on at the annual results.

### Imperial bond offer

IMPERIAL TOBACCO, the UK cigarette manufacturer, has increased the size of its US bond offering to \$600 million (£370 million) from \$350 million, taking advantage of strong investor interest from Europe and America. The notes, due to mature in 2009 and with a coupon of 7.125 per cent, have been rated BBB by Standard & Poor's, and Baa2 by Moody's Investors Service. The issue was lead managed by Merrill Lynch with JP Morgan, Credit Suisse First Boston and Lehman Brothers as co-managers.

## Pep sales grow as deadline nears

By MELANIE BIEN

THEY will not be with us for much longer, and if recent interest is anything to go by, their passing will be mourned. It is proving to be a bumper season for Pep sales, as investors rush to beat the April 5 deadline.

Although figures for March are not yet available, February's statistics suggest no let-up in momentum. Gross Pep sales rose 63 per cent to £1.1 billion, while net Pep retail sales (£628 million) rose 106 per cent on the month before and 52 per cent on the same month last year.

The findings, released yesterday by the Association of Unit Traders and Investment Funds

(Auitif), also reveal that the Pep market has come to be characterised by an ever-declining number of providers.

Anne McMeahan, spokeswoman for Auitif, said: "What will be interesting to look for in the months ahead will be whether this trend continues with the advent of Isas, or whether their arrival gives a new lease of life to a broader section of the industry."

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## EU delays new law on aircraft noise

HOPES of an end to a transatlantic row over noisy aircraft were raised when European Union transport ministers agreed to delay implementing a law that had infuriated the US and raised fears of Concord being banned from New York (Adam Jones writes).

The European Commission is poised to ban older aircraft fitted with noise mufflers or "hush kits" after April 2002. However, it yesterday delayed implementing the legislation by a month to April 29, enabling further peace talks with US bodies. The dispute comes as the two sides remain locked in the so-called "banana war".

## Maiden suffers 55% profits fall

By CHRIS AVRES

MAIDEN, the outdoor advertising group whose shares halved in value last September following a profits warning, yesterday described 1998 as "a testing year" while reporting a 55 per cent crash in pre-tax profits to £4.5 million.

Ron Zephibe, Maiden's chief executive and a large shareholder in the company, said he was confident that Maiden could stage a successful comeback. He predicted that outdoor advertising would represent 8 per cent of total display advertising spending by 2003, compared with 6 per cent today.

Shares in Maiden, which

have recovered significantly from their low of 212p in September, remained unchanged yesterday at 412p.

The company reported only a 3.3 per cent rise in sales to £65.3 million. Earnings per share fell from 17.7p to 11.3p. Maiden will maintain last year's total dividend of 6p, to be paid on May 28.

Mr Zephibe said Maiden would benefit from consolidation in the outdoor advertising market, but added that the company's management — who control more than 70 per cent of its shares — were not yet ready to accept a takeover offer.

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## Trichet urges French banks to hold talks

By CAROLINE MERRELL, BANKING CORRESPONDENT

THE Governor of France's central bank, Jean-Claude Trichet, has urged Société Générale and Paribas to try to resolve their differences. His call came after the CECEI, the French regulator, gave the green light to BNP's hostile bid for Société Générale and Paribas.

Société Générale and Paribas had been in friendly discussions about a merger, but BNP then unexpectedly announced a hostile bid for the two.

M. Trichet wants BNP, Société Générale and Paribas "to pursue their reflection and begin talks with each other". According to the bank, talks should aim at "reaching a solution which fully respects the moral and financial interests of each institution and preserves the higher interest of the banking system".

The statement came shortly after the CECEI, which regulates the French banking sec-

tor, over which Trichet presides, ruled that BNP's bid for Société Générale and Paribas was allowable.

The CMF, the financial market regulatory body, had already authorised the bid as legal on March 16, but Société Générale and Paribas, which are trying to fight off what they see as a hostile takeover, appealed against that decision on Friday.

The stock market regulator, the COB, also has to rule on whether the bid is allowable. BNP and Société Générale said in a joint statement yesterday that they were still adamantly opposed to a three-way merger.

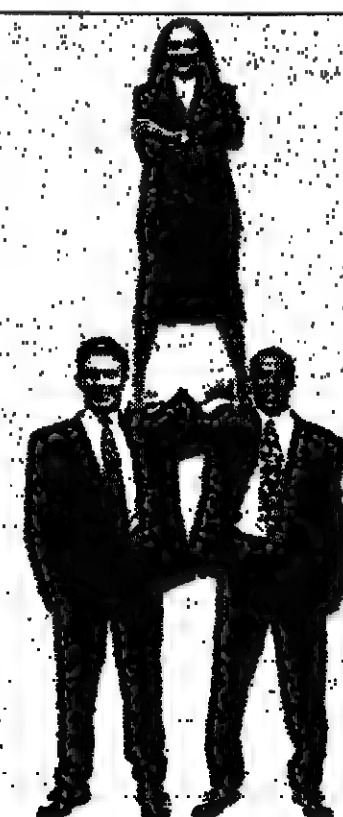
BNP has pledged no job cuts in France, under the terms of the deal. A two-way merger between Société Générale and Paribas would entail job cuts of about 900 from the 4,000 employed in London.

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### EXCHANGE RATES

	Bank Buy	Bank Sell		Bank Buy	Bank Sell
Australia \$	2.65	2.47	Japan Yen	208.86	191.45
Austria Sch	21.78	20.12	Malta	0.679	0.620
Belgium Fr	64.11	59.15	Netherlands Gld	2.619	2.224
Canada \$	2.597	2.379	New Zealand \$	3.16	2.93
Denmark Dkr	0.9170	0.8455	Norway Kr	13.29	12.29
Finland Mk	11.22	10.38	Portugal Esc	315.29	283.29
France Fr	5.72	5.11	S Africa Rd	10.71	9.78
Germany DM	9.53	8.78	Spain Ptas	282.77	243.98
Greece Dr	10.38	9.50	Sweden Kr	14.30	13.20
Hong Kong \$	3.117	2.875	Switzerland Fr	2.581	2.343
India Rupee	51.8	47.9	Turkey Lira	65.583	57.472
Indonesia Rp	1,345	1,154	USA \$	1.724	1.581
Israel Sh	9.88	8.22			
Italy Lira	3100	2883			

Rates for small denomination banknotes only as supplied by Barclays Bank. Different rates apply to travellers' cheques. Rates as at close of trading yesterday.



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# M&S aims to get size right



COMMENTARY  
by our City Editor

The changes being felt at Baker Street go far deeper than the latest round of job cuts may signify. Having pruned his team of executive directors, Peter Salisbury has told those who remain that they are to review the business as if they had just bought it.

This will require some imagination, since between them they have no experience of running businesses outside Marks & Spencer, and virtually none of buying them. But the indications are that they are succeeding in taking a fresh look at M&S and finding its flaws. That's the good news. The bad news is that, having been brave enough to admit that problems go far beyond a bad season's ranges, they must also know that the solution will not appear as quickly as a colourful rack of spring merchandise — although even that can take a dreadfully long time at M&S.

As the new chief executive, Peter Salisbury is keen to be seen as the spirit of change. For someone who had been in a pivotal role in the group for so long, he seems to have swivelled to his failings rather than the non-executives' decision to oust Sir Richard Greenbury from the chief executive's chair occasioned a sudden revelation that all was not well.

The problems go far beyond an outdated, autocratic management style. In a new spirit of openness, M&S will admit that it was slipping up on retail basics.

Sizing, for instance, had stopped being properly standardised, so that a size 12 in one line was not necessarily the same as a size 12 in another. A minor discrepancy like that can create some majorly upset customers.

Such horrors persisted because buying and selling existed as almost unrelated functions within M&S. Mr Salisbury has moved fast to change that. His new, slimmer, board brings those functions together and apportions responsibility for buying and selling things profitably. Novel, huh?

The new power base will not be an overstuffed Baker Street, but the stores themselves. As jobs go from HQ — and many more will — there will be more investment in the shops. Money will also go into improving the supply chain, which should enable the company to get the right things into the shops when they are wanted. It all sounds fine. If somewhat belated. But it will take time to hit the bottom line. In the meantime, there will be a search for costs that can be cut. The company has already started blowing cold on the European expansion programme that was part of Sir Rick's swansong. Now

it seems that the rethinking could be more drastic and that M&S could start to look at store sales in Germany.

But there is good news. Brooks Brothers, the US retailer for which M&S paid far too much, is coming good. In May it will open a fancy new store in New York's Fifth Avenue. It has taken a long time to get right but it is there now. M&S will take time but it will come right too.

## Virtual merger gives City new life

Behold the virtual merger. Life has long been urged to merge with the London Clearing House, which helped to bring the derivatives exchange but now depends on it. Both chairman know from numbing experience, however, that institutional reform runs counter to two key features of City culture: the cult of independent flexible spe-

cialists running their own show and the inability of committees to see the wood for the trees.

Unfortunately, global competition increasingly seems to favour the monolithic, whether in car-making, banking or financial markets themselves. Electronic trading and converging technologies mean that customers want to be able to use the same systems wherever they are, have settlement of bargains integrated with trades and minimise the capital that they have to tie up to cope with risks or regulations.

The London Stock Exchange lost control of settlement systems and never got round to having a single counterparty as the safety buffer between buyer and seller. Those failings make it harder to fend off challenges from well-organised Germans, although London is tenacious and has not yet given up its ground.

Life is trying to fight back from equivalent threats, posed by the German Swiss Eurex ex-

change and even the French Mafif, which have evaded US protectionism by their links with the top US futures exchanges. Off-exchange, Internet trading threatens all of them.

No matter that Eurex and the Chicago Board of Trade fell out. The Germans combine banks, stock and futures exchanges, settlement and clearing, helping them in the race to offer one-stop trading to anyone, anywhere.

The joint development venture between Life and the LCH is meant to bring the forward-looking benefits of merging without the time-consuming and energy-sapping pain. It is meant to be a merger without a merger.

The new board should still be informal and flexible enough to make alliances and chase new business in several directions, including possibly even the CBOT or the Stock Exchange, whose relationship with Life has always been mutually damaging. Life and LCH are both targeting

over-the-counter markets. The presence on the board of an executive director of the Bank of England as well as big figures from London and Chicago, suggest that this is as much an invitation to a party as the party itself. London certainly needs to show it can get its act together.

## Easing paranoia over FSA powers

Paranoia over the perceived powers of the new Financial Services Authority is reaching screaming pitch. Yet the regular allegations that Howard Davies and his team will act as prosecutor, judge and jury may have missed a change in the Bill.

The FSA, although doubtless without any intention of becoming all-powerful, had proposed a system that could have been seen as making it so. But the Treasury liked the idea as little as some lawyers had. The result is that the independent tribunal that was only to have dealt with appeals from the court of the FSA is now constituted as a tribunal of first instance.

Any offenders will be able to take their case straight to this

quasi-judicial body, which should go some way to silence those who accuse Mr Davies of proposing to deprive insurance salesmen and merchant bankers of rights that are theirs courtesy of Magna Carta. The FSA is still hoping that it will be able to dispense its own brand of justice and that the majority of those it fingers will not head for the tribunal.

Plans to bring in mediators at an early stage in disputes with practitioners might enable speedy solutions without justice that is too rough. The parliamentary committee now scrutinising the Bill will propose more changes, particularly on definitions of market abuse. Critics should concentrate on their version, not the first draft. Mr Davies has no wish to find himself in court for breach of human rights.

## French follies

IMAGINE the Bank of England's own Eddie George publicly requesting Lloyds TSB, Barclays and NatWest to get together in the national interest, even after two of them had said they would sooner give free credit. But this is France, where national pride requires a bank bigger than the Germans; where Jean-Claude Trichet, the country's designated future president of the European Central Bank, knows where his loyalties lie; and where *la gloire* counts for a lot more than *les consommateurs*.

## T&S may bid for local shops

T&S STORES, the UK's largest chain of convenience stores, has revealed that it has been approached by Portsmouth & Sunderland Newspapers with a view to making a bid for P&S's 220 local shops (Matthew Barbour writes).

P&S's stores, valued at about £60 million, were put on the market after the company received takeover offers from other regional newspaper groups, including interest from Johnston Press, Newsquest and Newsom, which are not interested in the non-print assets.

Kevin Threlfall, T&S chairman, declined to comment on the P&S approach but said yesterday that T&S plans further expansion in the sector.

T&S reported pre-tax profits in 1998 of £22.0 million (£20.0 million) on sales up 18 per cent at £648 million (£549 million). Earnings per share rose 13 per cent to 22.5p (19.7p).



Kevin Threlfall, chairman (left), and Jim McCarthy, chief executive of T&S Stores, which has been approached by P&S

## ICI shares leap on £2bn sale talks

ICI shares leapt yesterday on confirmation that the group is in active talks to sell its £2 billion industrial assets with the US's Huntsman Corporation.

ICI's massive disposal programme — which aims to transform the company from a commodities business to a niche and consumer chemicals operation — has disappointed the City after hitting a series of problems. DuPont had to buy a large part of the industrial business, which includes its TiO<sub>2</sub> plants and petrochemicals businesses, was blocked by the US's Federal Trade Commission. ICI has also suffered from poor interest in its operations because of the depressed state of the market.

ICI shares rose 34p to 561p on hopes that the talks would speed up the disposal programme. But some analysts said ICI could receive a low price because of Huntsman's reputation of striking a hard bargain. A deal on its industrial assets would enable ICI to reduce its £42 billion mountain of debt.

## Enterprise Inns seizes control of Century

ENTERPRISE Inns, the tenanted pub group, dramatically seized control of Century Inns yesterday after a hostile £78 million offer was snapped up by institutional shareholders.

The Century board, led by chief executive Alistair Arkley, was left powerless as underlings representing 51 per cent of the shares were quickly turned into firm acceptances. HSBC, Enterprise's adviser, declared the all-share offer unconditional in mid-afternoon.

The decision by the likes of M&G, Morgan Grenfell and Norwich Union to back the bid without recourse to management is the latest manifestation of shareholder activism. One source close to Century said: "It's been a very well-orchestrated exercise, and I think you'll see more of this."

But the source suggested that the institutions had been "over-hasty", pointing out that the £1,000-a-barrel price was somewhat below some recent deals. "I think shareholders haven't done Alistair Arkley — or themselves — any favours. He should have been given a chance to seek a higher price."

Another adviser admitted that Mr Arkley was "feeling a little bruised", but added: "This is no reflection on him. Investors are increasingly thinking big and the message from this is that they want to invest in the sector but not in small cap stocks."

Although Century has long been touted as a takeover target, yesterday's events were even more surprising given that Enterprise has in recent weeks been unsuccessfully courting Inn Business. Shares of Inn Business dropped 5p to 664p while Century frothed 264p higher to 1414p.

Enterprise, which has grown from 486 pubs at flotation in 1995 to 1,780, is acquiring 408 tenancies and 96 managed houses, of which 40 trade as Tap & Spill. It expects to convert most of the managed units to tenancies and sell the rest. It is offering 0.3942 new shares for every Century share, which at last night's close of 375p — down 7p — values Century at £77.62 million, or 147p a share.

Enterprise said the deal would be immediately earnings-enhancing. Century's head office will be closed with the loss of up to 40 jobs and analysts are looking for cost savings and synergy benefits of at least £2.5 million.

## French Connection soars

SHARES in French Connection yesterday leapt as the fashion retailer reported a 27 per cent jump in pre-tax profits to £10.4 million for its year to January 31. The shares were marked up 105p to 435p.

Stephen Marks, chief executive, said that the strong earnings growth was the result of the company's controversial advertising and its popular product lines. He said he was confident that French Connection, which also has the up-market Nicole Farhi label, would maintain its growth rate "for the next few years".

The group plans to increase its retail outlets by 21 this year to 109. This compares with 62 at the start of last year.

A 3.25p final dividend makes 4.25p, up 30.8 per cent.

French Connection has recently signed a licence agreement with In-Specs, the eyewear company, to market sunglasses under its own labels. It hopes to secure licences this year for watches and hosiery.

## Market research forecast

By CHRIS AYRES

TAYLOR NELSON SOFRES (TNS), the world's fourth-largest market research group, yesterday reported better than expected results and gave warning that the market research industry still faced "massive consolidation".

The company, formed in 1997 through the ambitious merger of Taylor Nelson, of Britain, and Sofres, of France, reported pre-tax profits of £28.2 million for the year to December 31. Pre-tax profits for the previous year, before the merger, were £11.8 million.

Group sales were £340 million, up from £109 million. Earnings per share were 5.23p (3.06p). A 0.9p final dividend makes a total of 1.4p (1p).

Tony Cowling, TNS chairman, said that further big mergers in market research were probable, though his group is likely to make smaller acquisitions, funded by its £30 million cash pile and its £25 million borrowing facility.

TNS, which produces research for the television, consumer goods and healthcare industries, said that it would step up investment in the Internet in the coming year. It claimed that it had cut costs by up to 60 per cent in some cases by using the Internet to collect and distribute data.

Tempus, page 28

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# Can Opec resist killing the cartel's golden goose?

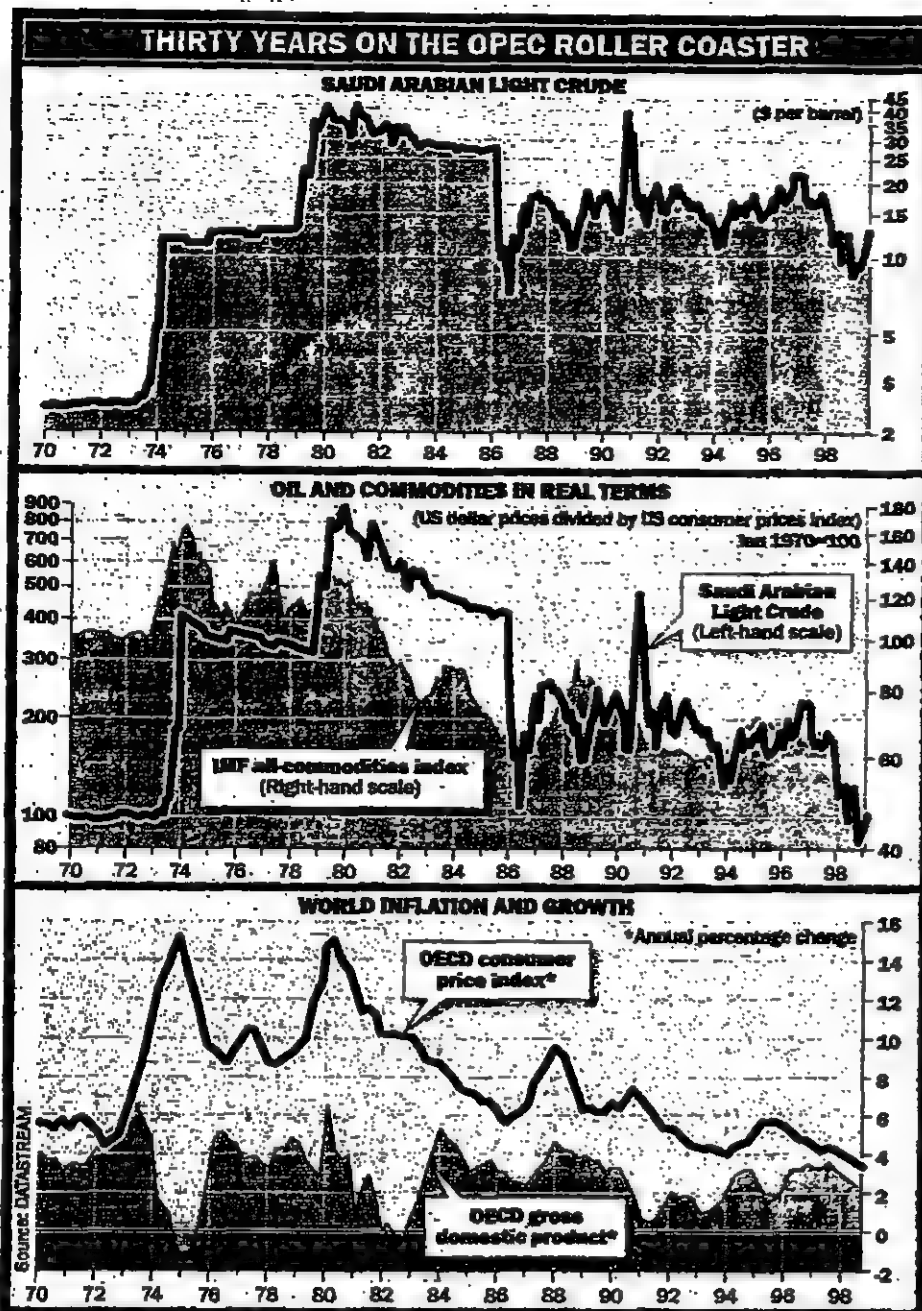
**Monopoly power should not be underestimated as prospects for sustained price rises improve**

One swallow does not make a summer, but what about three swallows? Yesterday saw the announcement of the second giant take-over in six months by BP, a company with a better record than most for sensing which way the wind is blowing in the oil market. A week ago, the heads of state of the Organisation of Petroleum Exporting Countries agreed on a surprisingly tough deal to limit their oil production by 2.1m barrels a day, in an effort to boost prices. And in the weeks before that agreement, the oil market saw a 40 per cent jump in prices, from \$9.91 a barrel to \$13.98 a barrel, in less than one month. Is it possible that these events may signal a turning point in the 20-year downward trend in the price of oil, which peaked in late 1979 at \$42 a barrel, amid almost unanimous predictions that global economic activity would be crushed by a permanent energy shortage and that oil prices would rise in a straight line to \$100 and above?

The obvious answer is that nobody has any real idea. Yet this question does have to be addressed somehow or other, even if it cannot be reliably answered. It has to be addressed because oil prices, even after the great oil shocks, remain one of the key determinants, and indicators, of economic conditions around the world. Each of the last three global recessions was caused, or at least preceded, by a spike in oil prices. In 1973, in 1979 and in 1990. If there were now a serious prospect of reversal in the long decline of oil prices, then many of the benign assumptions about steady non-inflationary growth and low falling interest rates built into most financial and business forecasts would have to be reviewed. The trouble is that any reliable analysis of this business seems almost impossible to come by. As is clear from the grotesque inaccuracy of most of the experts who expounded on this issue in the 1970s, long-term energy forecasting is a mug's game. On top of the uncertainty inherent in all economic analysis, the energy economist suffers from three additional handicaps: the political instability of the main oil-producing regions; the rapid development of technologies that affect both production and consumption of energy; and the perverse operation of many of the standard laws of economics in a market where competition and monopoly are engaged in a constant tug of war.

A good example of the sea-sawing theories in energy economics is offered by *The Economist*. This magazine won well-deserved admiration in the 1980s for predicting, under the influence of its then deputy editor, the brilliantly idiosyncratic, free-market economist Norman Macrae, that Opec's greed would eventually cause an oil glut and force prices back to their pre-Opec levels. Earlier this month, *The Economist* published a widely quoted cover story entitled "Drowning in oil". This suggested that Opec was certain to fail in its efforts to control the market and that prices would fall to \$5 or less. But the fact that *The Economist* proved right in the 1980s tells us very little about the accuracy of its analysis today. Its assumption that market competition would always prevail may have proved right in the long term, but it was worse than useless at the time it was first put forward, which was as early as 1973. For the next eight years Opec actually tightened its monopolistic grip and managed to force through a further tripling of oil prices and it was not until 1985, 12 years after his original predictions, that Mr Macrae's forecast was vindicated.

The point of making these comments is not to knock *The Economist*, whose analysis of the intrinsic instability of the oil market is actually very persuasive. It is simply to



illustrate the dangers of analysing energy economics with either an exclusively free-market or an exclusively monopolistic approach. The best chance of success — and even then it may be only a slim one — lies in trying to understand how monopoly and competition are always shifting the balance of power in the oil market. One possible view of this balance of power is propounded by analysts who believe that the oil price is bound to keep falling. In any competitive market, prices tend in the long run to fall towards the marginal costs of production. The cost of producing extra oil, which is about \$2 a barrel in Arabia, Iraq and Iran, is still very much lower than today's market price. This suggests, to those who believe simplistically in competitive markets, that prices are bound to fall much further over time.

Such a naive belief in competition is obviously untenable, since oil prices have remained for 26 years far above the marginal costs of production. The reason for this is that Saudi Arabia, Kuwait and other Middle Eastern producers have drastically limited their output — in the Saudi case to fewer than eight million barrels a day, compared with the

12 million barrels that it was producing ten years ago and a sustainable production of 15 million barrels or more that could readily be achieved with a little more drilling and investment. But even if we replace simplistic competition with a recognition of monopoly power, the Middle East's low production costs might offer an argument for falling prices. Suppose that Opec's intention were to acquire a complete monopoly of world production. The best way to do this might be to push the oil price below the cost of production in non-Opec regions such as Alaska, Russia and the North Sea. In the US and the North Sea production costs are about \$10 or \$11. Thus, by boosting production and allowing prices to fall far below \$10 a barrel, Opec could hope eventually to put all other oil producers out of business. Having done this, it might then hope to jack up prices and reap the rewards of its monopoly power.

Why, then, should we worry about a rise in the price of oil? Because the strategy of trying to price non-Opec producers out of the market would almost certainly fail. First, it would take many years to put high-cost oil fields that have already been explored and developed out of business. While the cost of discovering and devel-

oping a new field in the North Sea may be \$11, the cost of simply pumping oil from existing platforms is far lower and so existing fields would continue to produce oil for many years. Secondly, non-Opec nations, worried about energy security, would probably take action to protect their oilfields from Opec's predatory pricing. Thirdly, and most importantly, Opec would lose vast amounts of revenue, even if it could be sure of eventually winning a price war. In 1998, Opec accounted for 40 per cent of the world's total oil supply of 75.3 million barrels a day, receiving an average price of \$12.28, and a profit of about \$9 a barrel. Even if Opec could double its market share, this would only be worthwhile if the profit per barrel were above \$4.50, implying an oil price of about \$8. That would not be remotely low enough to put the rest of the world's producers permanently out of business.

This calculation draws attention to the real dilemma — and the real opportunity — now facing Opec. It is because Opec controls almost all of the world's marginal oil production, that it can continue to exercise considerable monopoly power. Opec may now supply only 40 per cent of the world's oil, but any increase in the world's demand for oil has to be supplied almost entirely by fields within Opec.

What really matters to Opec and to the future course of oil prices, therefore, is whether the world economy strengthens or weakens in the years ahead. If demand rebounds after the slump caused by the Japanese recession and the Asian financial crisis, Opec would be far better off limiting its production and pushing the oil price upwards. The benefits of such a strategy to all Opec members should be so obvious that a degree of production discipline should be possible to maintain. Excluding such wild cards as the possible lifting of UN constraints on Iraqi oil production, it ought to be quite possible for Opec to push oil prices upwards, provided the world economy strengthens in the year or two ahead.

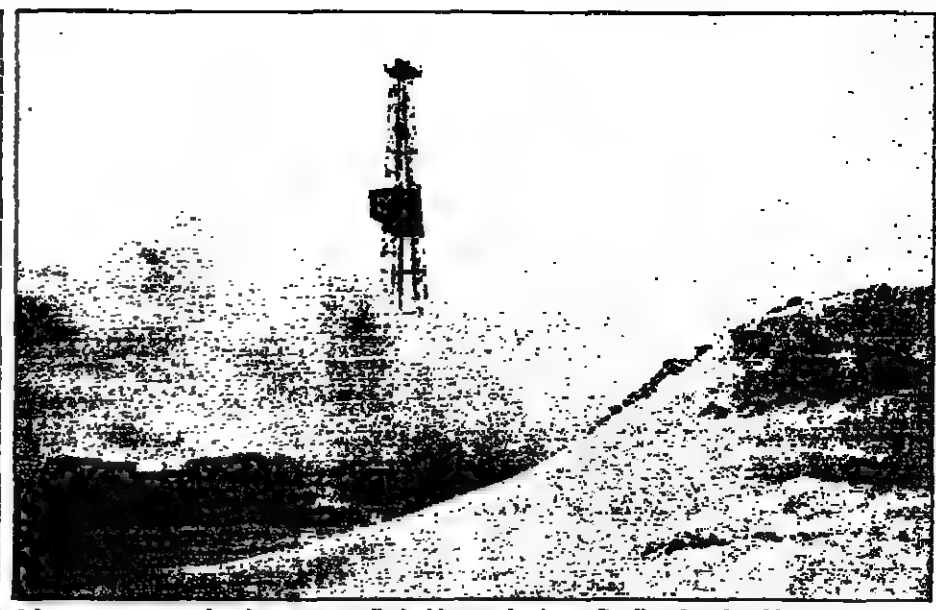
The greatest risk to Opec would be the same as it was in the 1970s. If it tries to push oil prices up too far or too quickly, it will risk killing the golden goose by precipitating a downturn in world economic growth. But if the Opec members behave rationally and circumspectly — admittedly a very big if — a period of world-wide economic recovery would offer them an excellent opportunity to push oil prices moderately higher in the years ahead.

Yet, Alaska boasts some of the largest US oil reserves, including the National Petroleum Reserve, 33,000 square miles set aside by the US Navy in 1923 to ensure oil supplies at times of scarcity. An important wildlife sanctuary, the Alaskan National Wildlife Refuge, is reckoned to contain 11 billion barrels of oil. Alaska has been lobbying to open up these federal lands for oil production and Washington recently announced that part of the NPRA would be leased, causing a furor among environmentalists. The area is home to caribou, grizzlies, polar bears and migratory birds. In the Wildlife Refuge BP is the only company to have drilled a well, at the invitation of a Native American-owned company. The results have been secret for 13 years, doubtless awaiting the right political climate to develop.

But the domination of BP Amoco in Alaska may even make the conservative, pro-oil Alaskan Government a little nervous. Arco and BP Amoco will control the lion's share of Alyeska, the company that owns the trans-Alaska pipeline, not to mention the biggest oil asset, Prudhoe Bay. If Arco submits to BP Amoco's embrace, most of the state's pro-

ducing oil reserves will end up in the pocket of one of the most ruthless cost-cutters in the oil industry, Sir John Browne, and a foreigner to boot. Alaska is probably the key to Browne's strategy as it offers the biggest potential for cutting costs as well as long-term opportunities but Arco provides other advantages. The deal, if it comes off, would be more about filling spaces in the jigsaw than the vast pooling of overlapping operations that the merger with Amoco entailed. In refining and marketing BP Amoco is focused on the East Coast and Midwest of the United States, while Arco is a West Coast player with two refineries, one in Washington State and another in Los Angeles.

Elsewhere, Arco offers a stake in South-East Asia, where BP Amoco is deemed to be weak. Arco paid \$2.5 billion for Union Texas Petroleum in June last year, a deal which brought with it oil properties in the North Sea, Indonesia and Venezuela. Arco is building up an Asian gas play comprising Tanggu, a liquefied natural gas project offshore of Indonesia and gas assets in Thailand acquired from Triton Energy. Mike Bowlin, Arco's chief executive, told his shareholders in March that Arco could achieve economies of scale without being a "supermajor", a BP Amoco, Shell or Exxon. A whole section of the Arco annual report boasted of what the company's various alliances, including Prudhoe Bay with BP, had achieved without the need for mergers. Perhaps Sir John was very persuasive or perhaps the hill proved too tough to climb. The oil price has recovered a little from its nadir but recent profit has allowed the strong to profit from the weak and that has probably sealed the fate of Arco.



Joint venture companies aim to reverse diminishing production at Prudhoe Bay, jewel in Alaska's crown

## Oil partners gather closer to keep out Alaska's icy winds

**Consolidation is the key for BP Amoco and Arco to halt output decline, writes Carl Mortished**

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## Unholy war

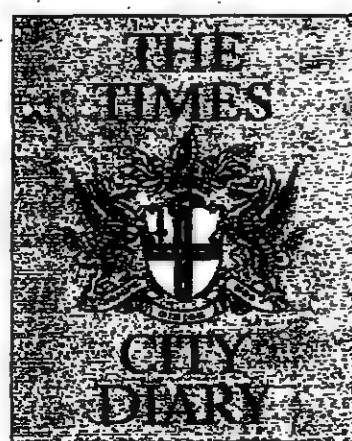
IT MAY be insularity, but the row in Scotland over the link forged by the Bank of Scotland with American TV evangelist Pat Robertson has been largely missed south of Hadrian's Wall. Now 34 MPs have joined together to bring an Early Day Motion in the Commons deploring the deal. The Bank hoped to gain access to the claimed 55 million viewers of Robertson's Christian Broadcasting Network. But Robertson has been vilified in Scotland because his views are allegedly anti-gay, anti-feminist and anti pretty well anything else new Labour stands for.

The MPs include old campaigners Tam Dalyell and Dennis Skinner and the former Competition Minister, Nigel Griffiths. The motion has little chance of going anywhere but is designed to draw attention to the affair. There has already been a unanimous vote of censure by councillors of the bank's home town, Edinburgh. BoS last night said it was a "strictly business relationship" that would be "great for Scotland".

Curious. I do not remember all this fuss when Robertson last did a deal on these shores. He bid for what was left of TVS, the regional television company, in 1992. WELL, my tip on the William Hill free Spring Double failed to come in, but I hear the bookie is not out of the woods yet. William Hill has provided 90,000 free £20 bets to investors disappointed when the flotation was pulled earlier this year. An unspecified number plumped for the favourite in both races, and in the Lincoln the favourite, Right Wing, duly won on Saturday. This means that if the same happens at the National in a fortnight it could cost William Hill rather more than £1 million, at today's odds. Of

course the odds are not fixed yet and Double Thriller, the current favourite, may not run. But if it wins... The bookie seemed unconcerned last night. "It's not often that both favourites win the Spring Double, but God's law being what it is, it will probably happen this time," a spokesman said.

**Home run**  
ALASTAIR EPERON has come a long way since he was a humble spokesman for the Housing Corporation, the quango responsible for housing associations. He is now (deep breath) director-general of corporate affairs at Boots, chairman of the CBI's distributive trades survey and deputy chairman of the British Retail Consortium. Someone else who has



travelled a long way in the same time is John Baker, including a spell as chairman of National Power. Eperon has been invited by Sir Clive Thompson, president of the CBI, to join its finance and general purposes committee, which administers the budget. The committee is chaired by John Baker, the same man who in 1975 hired a certain spokesman for the Housing Corporation job. "He hasn't changed a bit," claims Eperon.

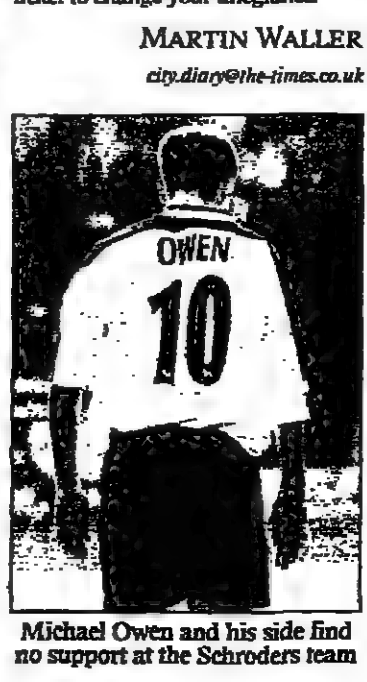
**Crystal clear**  
SO ARE we really going to see a revived Liverpool Football Club with a stock market quote, as suggested at the weekend? Sadly, the chances seem about as good as an away win against Manchester United. Liverpool, I am told, feels that in today's changing climate every club of

any size needs a merchant bank. Any flotation would mean dilution of the 60 per cent stake held by David Moores, the chairman, who is committed to the club. But what of the Schroders team that has been brought on? Not a Liverpool supporter among them — Iain Robertson is Man United. And Alan Jacobs is an (unwilling) Chelsea season ticket holder. "I'm a lifelong Palace supporter, but my kids support Chelsea," he tells me. "There's nothing like spending money on a season ticket to change your allegiance."

**MARTIN WALLER**  
city.dial@the-times.co.uk

**PERHAPS** Eperon could use his new position to look into this one. A reader is the finance director of a company supplying Year 2000 compliance solutions to safeguard computers from the millennium bug. He has been approached by the CBI, which wants his company to advertise in the official CBI diary, in the "Year 2000 Compliance" section. The diary is for the year 2001, by which time the bug will have done its worst. The CBI is unrepentant. "It's dealt with by an outside company," says a spokeswoman. "They obviously think the problem is going to last well into 2001."

Michael Owen and his side find no support at the Schroders team



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## Shares close at best of day

TRADING PERIOD: Settlement takes place five business days after the day of trade. Changes are calculated on the previous day's close, but adjustments are made when a stock is ex-dividend. Changes, yields and price/earnings ratios are based on middle prices.

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FILM  
Liz Hurley  
finds a nice  
little earner  
PAGE 33

# THE TIMES ARTS

THEATRE  
Foul-mouthed  
but fervent  
at the Bush  
PAGE 34



## Sorry, the Tin Can Lady missed out

When the *Times*/Artangel Open was launched last September, we hoped that the competition would ignite widespread interest and generate some astonishing applications. It was, after all, aimed at any British-based artist with an adventurous project in mind, and no restrictions were placed on the form or medium employed. Only one condition was stipulated: that the work should be conceived in response to a particular UK place or building not customarily used for the arts. But in every other respect freedom reigned, and anything seemed possible.

Before the proposals started coming in, Artangel had no inkling of the likely response. The art commissioning company's co-directors, James Lingwood and Michael Morris, had never organised an open submission. As for *The Times*, we realised that no national newspaper had hitherto been prepared to sponsor an artwork that did not yet exist. It was a risky enterprise, and suspense grew as the December 18 deadline approached.

We were not disappointed. Hundreds of elaborate submissions, many backed up by batteries of slides, videos and lengthy statements, bombarded Artangel's London office. Then, on the final morning, the staff there were astounded to be given a special Post Office delivery of more than 100 registered packages. No sooner had they received them than

Entries for the  
*Times*/Artangel  
Open ran from  
the weird to the  
wonderful and  
back, says judge  
Richard Cork

a stream of artists started ringing the bell in person, handing in parcels too bulky or fragile to be pushed through the letterbox. They continued to arrive all day, and one contender sat on the narrow office staircase for a couple of hours, frantically writing his submission while Artangel staff struggled past him to deal with other last-minute callers at the door. Once this cascade of material had been put into coherent order, copies were sent out to the artists: Brian Eno and Rachel Whiteread. They, along with Lingwood, Morris and myself, were confronted with the task of assessing the proposals and selecting two winners — one to be implemented this autumn, and the other next year. It was a strenuous experience, at once illuminating, unpredictable, hilarious, baffling and studded with surprises. By the time all five of us met for a day-long discussion on January 22, we wondered how the deluge of dizzying possibilities could ever be

narrowed down to a coherent outcome.

Artangel, however, seems to thrive on seemingly insurmountable challenges — the company inscription on the wall behind my chair declared: "I Believe in Miracles."

Some of the applications confronting us were frankly bizarre. One artist wanted to erect a monumental statue of Baroness Thatcher called *The Devil of the South*. Equipped with horns, a three-pronged fork and a handbag marked "Sin", this near-200ft apparition would be made out of recycled Brown Ale cans and straddle the Hog's Back hillside in Surrey. The artist did admit that "I envisage some problems with planning legislation", but plenty of the submissions entertained no such misgivings. One visionary proposal wanted to "seed the oceans of the world" with 2,000 "art pods". Whether "towed out to sea from the major UK ports" or "released by hot air balloons", they would each carry "an artistic message, comprehensible in any language".

Other projects, while rooted reassuringly on terra firma, were scarcely less headlong. "I want to build a supermarket," announced one defiant applicant, while another suggested "the cutting of a giant chalk pound sign" on a hill in southeast England, as "a permanent memorial to the impact of the pound on British culture".



Judging entries for the *Times*/Artangel Open: from left, artist Brian Eno, Michael Morris of Artangel, Richard Cork and James Lingwood of Artangel

A similar gigantism ran riot in many submissions. The hand-knitted tea cosy, large enough to cover a Shetland croft house, sounded grandiose enough. But one artist wanted to saturate an entire town with digitally controlled red light. Stranger still were the colossal ear and nose sculptures, "facial extrusions" to be built in country locations as "monuments to the senses". But the most daunting of all these mega-projects took London as their target. A team of artists proposed erasing a 130ft section of a concrete

bridge in the middle of Green Park. As for the Thames, it became the focus of an apparently nighmarish scheme to place "a Boeing 737 passenger aeroplane" on the river near Tower Bridge, supported by a submerged barge. "The sculpture," explained the team, "is an arbitrary realisation of childlike desires, indulging the desire by achieving an absurd vision."

Some proposals, inevitably, centred on *The Times* itself. One applicant aimed at staging a retrospective exhibition in a Fleet Street location of 100

paintings each made "by pulping an issue of *The Times* and making the pulp into a painting (by bonding it with colourless acrylic)". A less aggressive scheme entailed asking all *Times* contributors to compose their articles for one edition in longhand, printing the result as an unashamedly handwritten newspaper.

However diverting all these schemes may have been, they proved easier to assess than the ten we singled out for closer scrutiny. During the course of another intense day in February, the artists all came to

see us and discuss their ideas in more detail. It was an invaluable exercise. Open submissions always disclose a host of unfamiliar names, and there is no substitute for meeting the most promising candidates face to face.

Their projects were fascinating and various, ranging from a filmed exploration of the eerily deserted Victorian hotel at St Pancras station to a robust celebration of the remote Scottish islands of St Kilda, intended to mark the 70th anniversary of their final, poignant evacuation in August 1930. By dra-

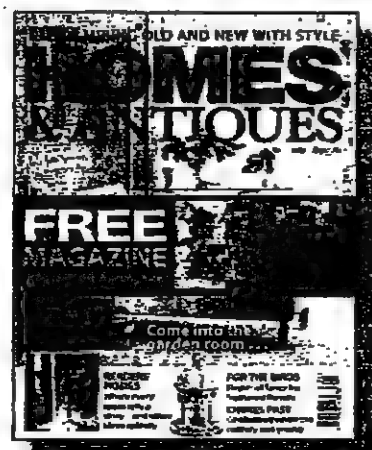
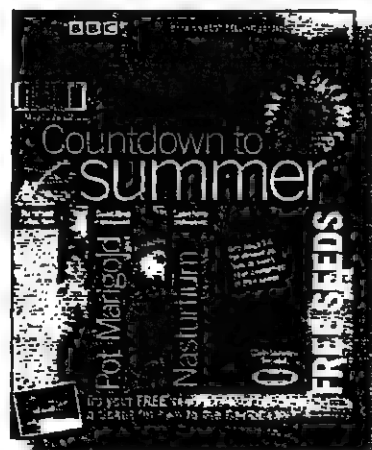
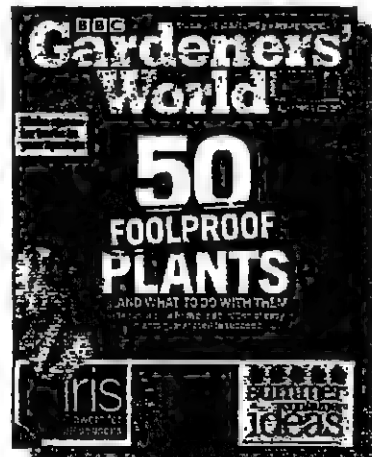
matic contrast, another scheme involved constructing a magical grotto in an oil tanker, viewable by climbing up inside the glittering, shell-like space "to find yourself in the middle of a pool".

After much debate and a further meeting, we finally settled on two other schemes. The proposal scheduled for 2000 will be announced later, but *The Times* plans to reveal this year's winner in early May. The judges agreed that it promises to provide a bold, provocative and above all unforgettable experience.

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THE TIMES

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CHANGING TIMES

## Songs in the low key of life

In the parallel pop world, where "alternative" acts hold sway and gushing critical notices are the currency of success, Wilco are nothing short of deities. And the Illinois band led by singer, guitarist and songwriter Jeff Tweedy are not doing so badly in the real world either, where their third album, *Summerteeth*, briefly hit into the British Top 40 and American Top 80 earlier this month. But it is in concert that the essence of the group is revealed.

On stage at Shepherd's Bush on Saturday they followed their own code of conduct. Passionate about their music but quite insular as performers, they scrupulously avoided any flashy displays of bravado, whether musical or emotional. Behind them the set was bare, save for three large discs each bearing the rather ugly image of a milky-white face with jagged teeth, lazily emerging as if from the surface of the moon.

What claimed the attention, therefore, was a performance in which the song was very much the thing. Starting at a surprisingly soft level with *I'm Always in Love*, they maintained an initially low-key approach with a delicate *How to*



*Fight Loneliness* and a tightly restrained version of *Via Chicago*, during which Jay Bennett chopped out some exquisite Neil Young-influenced



Killing them softly: Jeff Tweedy, laid-back leader of Wilco

guitar lines. Tweedy's voice, a variable instrument which at times offered little more than a parched croak, was shored up by imaginative harmonies resembling those of the Beach Boys but more regally executed.

It was a touching display, but by the time they reached *Red-Eyed and Blue*, with its whimsical whistling passage, there were calls of "turn it up".

emanating from the cheap seats.

Whether coincidentally or not, the band duly obliged with *I Got You (at the End of the Century)*, giving an initial glimpse of their rock'n'roll credentials as the guitarists squared up properly to the audience for the first time. From there the show gradually built up a considered head of steam, with a rapid turnover of old favourites such as *Monday* and *Forget the Flowers* stacked alongside new songs including *Can't Stand It* and *She's A Jar*.

A couple of numbers — *Hesitating Beauty* and *California Stars* — from Wilco's album of Woody Guthrie songs recorded with Billy Bragg highlighted the band's country-folk leanings and proved a popular choice.

When Wilco last played at the Empire, two years ago, the show ended in ill-tempered anarchy, for which Tweedy this time apologised. Tightly scripted and without the histrionics, this was a much better display by a band whose sensitive musical vision is never going to be enhanced by amateur dramatics.

DAVID SINCLAIR

## Take notes for the test afterwards



and his religious beliefs. Even on the few occasions when it seemed a bit indulgent or high-falutin', Cave would instinctively ground it with an earthy deadpan quip or deconstruct, quite convincingly I might add, an old Kylie Minogue hit.

Of course, punctuating the lecture were Cave's own love songs (specifically *West Country Girl*, *People Ain't No Good*, *Far From Me* and a magnificent new song called *Love Letter*), which he performed on the grand piano, accompanied by understated bass, violin and occasional brush drumming. When the talk was over, Cave finished up with a half-hour set featuring some of his most beautiful, bitter-sweet *billets-doux* and radical re-

workings of more hardcore material from his back pages.

Of the former, *Sad Waters*, *Into My Arms* and the closing *Ship Song* were brimming with the kind of mournful, melancholic majesty that could move, in the emotional sense of the word, a mountain. Interspersed with these was *The Mercy Seat*, that frighteningly intense interior monologue of a condemned man at the moment of his execution, and a hugely entertaining *Stagger Lee*, an expletive-riddled, melodramatic murder ballad.

Cave's deep and deeply soulful voice is by turns vulnerable and vengeful, according to the mood required. Hearing the love songs is genuinely spiritually fortifying and, when one also considers all the ones he didn't play, Cave has to be placed alongside the likes of his self-declared heroes — Dylan, Cohen, Waits and Neil Young — as one of the finest balladeers there has ever been.

His fellow Australians the Dirty Three were a brilliant choice of support act. An inspired instrumental trio led by the virtuoso violinist Warren Ellis — who plays his instrument with Hendrix-like abandon — they specialise in edifying, hypnotic soundscapes that repeatedly climb and fall.

Not a bad way to spend a Sunday afternoon, then.

NICK KELLY

هكذا في الدنيا



# After Carrey, the true man show

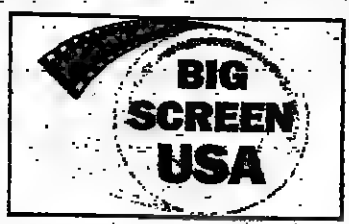
The new hit at the box office, *EDtv*, accomplishes the difficult feat of starring Elizabeth Hurley and impressing Giles Whittell

One of the best moments in *EDtv* has the eponymous Ed heading for a hot date with Elizabeth Hurley — at her place — trailed by a camera crew and cheered on by a vast crowd as if he were about to win a stage of the Tour de France. The crowd knows about the date because Ed's life is on television 24 hours a day, charmed to them by a nerd in a satellite truck that follows him everywhere. As Ed steps over Hurley's threshold and she signals with slinky glances to the camera that full-blown naughtiness is just seconds away, the nerd in the truck, whom discerning viewers will recognise from mission control in *Apollo 13*, can barely contain himself. "Hot damn," he yells to the station over his microwave link. "We are go for sex."

It will always be diverting to see Miss Hurley's buttocks clench and unclench under tight red vinyl, but there is more to this moment than titillation. It manages simultaneously to spoof *Nasa*, satirise "reality programming" and ridicule the whole gargantuan beast that television culture has become — which is about as sophisticated as things get in this otherwise undemanding film about a life turned inside out by cameras.

The sex for which everyone is go never actually happens. It falls victim to gravity and a beautiful grey cat in the sort of slapstick to which *EDtv*, unlike last year's similar but far more ambitious *The Truman Show*, often resorts. The other big difference between the two films is that unlike Jim Carrey's Truman, Matthew McConaughey's Ed Peckum knows he is being filmed. In fact he auditioned for the honour, is being paid for it, and at first enjoys it. His half-witted boss of a character is the lucky winner of a talent-spotting dragnet thrown over San Francisco by a documentary cable TV station floundering so badly in the ratings that, as its desperate general manager points out, "We're getting our butts kicked by the Gardening Channel."

That manager is played, rather well, by Ellen DeGeneres, and it's



her idea to scrap all existing programming in favour of round-the-clock coverage of one average citizen who "might be good on screen — or, even better, might be bad". Her reasoning: whatever he is, he can't be worse than what they already have on the air.

Or can he? Peckum turns out to be the sort of guy who takes half an hour over his toenail clipping because he considers it an art. After a week, DeGeneres is pleading with the high-ups for a few more days to prove her idea can fly.

She is saved by Ed's brother, a gym-crazed exhibitionist played to horrible perfection by Woody Harrelson, whom Ed and the camera crew inadvertently catch in the act of two-fiming his girlfriend. Ratings instantly tick upwards. They surge when Ed claims the wronged girlfriend as his own, and *USA Today* is soon running front-page polls on whom Ed should really be dating now that he's famous. When DeGeneres convinces the trust with Hurley the audience is bigger than the Super Bowl's and the station decides to prolong *EDtv* indefinitely. "He's a Beatie," DeGeneres exults. "Well, not a Beatie. He's a Spice Girl. Or a Beany Baby."

The trouble is, by this time Ed wants out. The film enjoys reminding us, as if we needed reminding, that celebrities don't have much privacy nowadays. Its director, Ron Howard, was a child star from the age of six, and Hurley, McConaughey and DeGeneres have all been through the wringer of sudden fame. Between them they inject into the proceedings a distinct admonition to TV executives and audiences along the lines of: "See? What you do to us is not nice."

Also in the realm of the obvious, we see how television can write

huge numbers of people in non-too-edifying ways (such as baying for glimpses of Hurley's flesh), and we hear once again, in a comic echo of *Natural Born Killers* and countless editorials, that celebrity has become "its own virtue". If so, the most virtuous man in the film is naturally Ed — well-meaning and well-muscled, but ill-shaven and an utter nobody. At 31, he works in a video store with no prospect of doing anything else. With a beer bottle perpetually slung from his neck on a rope, he's a blue-collar version of the slobs played by Matthew Perry and Matt LeBlanc on *Friends*. This may be Hollywood's idea of noble Joe Public, or — stay with me — it may be Hollywood's idea of the television industry's idea of same. Either way, the assumption that we will relate to him is, if not insulting, at least risky.

The risk is compounded by the choice of McConaughey to play him. Hailed as Hollywood's new golden boy in 1996, he seemed to warrant the title in *A Time To Kill*, in which he famously nailed the climactic court scene in a single take. But after his supremely irritating performances in *Contact* and *Amistad* his star fell as quickly as it had risen: for an entire year he barely worked.

The critics have been kind to him this time. His "blond good looks and irrepressible spirit" carry the film, said *The Washington Post*. He "exudes charm and casual sexual attractiveness", purred the *Los Angeles Times*. The truth is he is still too self-conscious about his sex appeal, but is sufficiently inert here not to sabotage a film whose true joys are its cameos. DeGeneres may have been drummed off her own sitcom but she's on top form here. So is Rob Reiner as her boss, and, darn it, so is Hurley. She cannot act, as she more or less admits when her character introduces herself to Ed as "a model and sort of an actress". But that level of self-parody is just what is needed to make watching her a guilty pleasure — for us, as for the nerd in the truck.



Matthew McConaughey and Elizabeth Hurley as the average Joe star of his own 24-hour TV show and his glamorous love interest in *EDtv*

## US WEEKEND BOX-OFFICE TAKINGS AND ANALYSIS

1	(3) <i>Forces of Nature</i> (DreamWorks)	\$9.6m/\$13.5m
2	(1) <i>EDtv</i> (Universal)	\$9m
3	(2) <i>Analyze This</i> (Warner Bros)	\$8.8m/\$7.2m
4	(4) <i>The Road To El Dorado</i> (MGM)	\$6.1m
5	(5) <i>Shakespeare in Love</i> (Warner)	\$4.4m/\$7.3m
6	(6) <i>Along With the Love</i> (Disney)	\$4.4m
7	(3) <i>True Crime</i> (Warner Bros)	\$3.3m/\$3.9m
8	(1) <i>Life Is Beautiful</i> (MGM)	\$3.2m/\$3.8m
9	(4) <i>Becky</i> (Universal)	\$2.7m/\$1.2m
10	(5) <i>Crucial Intentions</i> (Columbia)	\$2.4m/\$2.9m

First amount is estimated weekend takings, March 26-28. Second amount is total takings to March 22. Figure in brackets indicates last week's position

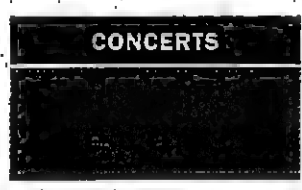
● The Sandra Bullock romantic comedy *Forces of Nature* retained its top spot. But elsewhere the "Oscar effect" gave a box-office boost to *Shakespeare in Love*, up 48 per cent on the previous week after winning seven Academy Awards, and to *Life Is Beautiful*, which came into the Top Ten for the first time after winning three Oscars

## A big hand for the maestro

Kurt Masur is setting his mark on the London Philharmonic Orchestra, of which he is principal conductor-designate, in no uncertain terms. At the weekend it was through Bruckner and Strauss — particularly Bruckner, whose Fourth Symphony was given a performance which epitomised much at the very heart of the venerable German conductor's musicianship.

No sooner had his batonless hands begun to draw the whispered once-upon-a-time opening from this most shamelessly and overtly Romantic of symphonies than the maestro's musical vision began to bestir those broad-set Bruckner triplets as they grew in intensity.

The pipes and pedals of the organ which breathe through so much of Bruckner's musical thinking were clearly uppermost in Masur's mind, too, as he drew long-breathed, steadily blended chords from the



brass, and from every successive orchestral tutti.

But this movement was as remarkable for Masur's skill in defusing as well as amassing energy. The way he unwound Bruckner's sequences of descending chromatic scales and little dying woodwind falls created a potent context for the further development of those spectral horn calls from the shadows.

The miracle of the slow movement was that, the more deeply the music breathed, the more momentum it seemed to gather. The violin bows seemed to double in length, yet sustained were their lines; yet this seemed to ease, rather than inhibit the phrasing's ebb and flow.

And then the Scherzo which Bruckner said represented the gallop of the hunt. In Masur's hands it was fast, light, almost capricious as woodwind teased brass, and brass in turn taunted the strings. The entire orchestra seemed to be a quiver.

The players had been at their most sentient, too, as accompanists to Felicity Lott in Richard Strauss's *Four Last Songs*. Spring rustled as it should, with short-bowed strings buoying up Lott's light-

ly suspended soprano, and the entire song most delicately hand-moulded by Masur through to its final pizzicato chord. Lott ensured that summer was still heard laughing through September's obsequies; and Masur's consummate skill in folding line through long, perfectly balanced line made sleep and sunset into a single continuum of experience.

HILARY FINCH

## Twin peers of the Baroque

IN SPITE, or perhaps because, of an unexceptional programme, this concert evoked a slice of Baroque musical life. Works by Telemann and Bach written within a few years of each other made up the whole evening, but there was no lack of variety between them or in the way they were presented

by Florilegium, the Wigmore Hall's resident Baroque ensemble. This was also a concert that stressed the links between these two German masters: it was Telemann, godfather to Bach's second son, who first declined the Leipzig post in which Bach spent the greatest part of his career.



Both composers were supremely practical, and Bach would have been the last to worry that here his Easter mu-

## Bold message to the world

dra! In 1981, and toured it round the country. It remains one of the best introductions to Harvey's world, with eclectic influences that stretch from the choral certainties of the Anglican Church to the cosmic questionings of 1960s Stockhausen. This was a compelling performance, with the BBC Singers and the orches-



tra Sinfonia 21 in fine fettle.

The opening notes grow from Anglican verses and responses, but the journey soon takes us through other sound worlds, with Michael Wadsworth's libretto, largely translated from a 12th-century Latin Passion Play, as our guide. At first the road ahead seems rocky: spartan vocal lines for Jesus and Disciples, simple accompaniment coloured according to the characters' sanctity (dark bleats on trombones, drums and double-basses for Judas' radiant violins for Jesus). But Harvey is thinking

long-term, holding back the expressive heights until the powerful scenes of Crucifixion and Resurrection.

The BBC Singers shifted position with the drama, but Stuart Macintyre's Jesus always stayed centred and resonant. Andrew Mackenzie-Wicks's Pilate was equally forthright, leaping securely into his falsetto as he delivered Jesus for Crucifixion. Alison Smart's Mary Magdalene and the other ladies came into their own in the final scene. *The Resurrection Garden*, florid lines intertwined, garlanded by lush instrumental shrubbery.

The ending was pure magic. After funneling itself into an Anglican blessing, the music dispatched the four brass players into the audience, through the doors, onto the church steps, blasting the Resurrection message into the world outside. Perhaps they could hear it at Westminster Abbey, Neary's former home, just a few streets away.

GEOFF BROWN

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A guide to the best available classical records on CD, presented in conjunction with BBC Radio 3

**THE BRAHMS PIANO QUINTETS**  
Reviewed by William Mitchell

Composers don't always exactly know what they are doing. You would think from something as poised as Brahms's Piano Quintet in F minor, Op 34, that the ideas came to him in exactly that form, so perfect is the balance between musical content and the combination of piano and string quartet. But, like many of Brahms's earlier works, the quintet was written and rewritten over a period of years and began life as a piece for strings alone, modelled on the inspiration of Schubert. Brahms then turned it into a sonata for two pianos. He wasn't happy with that either, and instead seized on his friend Clara Schumann's suggestion that the music needed both piano and strings for its full effect.

It took a while to get there, but the final result is one of the most enriching experiences in chamber music. A satisfying performance of the Brahms Piano Quintet is all about balance. All kinds of subtle equilibria have to be agreed. Pianists who see themselves as a kind of "first among equals" either misunderstand the quintet or are abusing it. Brahms pitches all five performers at the same high level. In this Quintet everyone has to do the musical equivalent of drinking only the best champagne.

Elisabeth Leonskaja and the Alban Berg Quartet begin with a wonderful command of the music but, after a terrific opening, fail to sustain the same level. On the budget Naxos label the Hungarians Jeno Jando and the Kodaly Quartet have everything well under control but lack an emotional knockout punch.

The Allegri Quartet makes a rich and multi-layered sound with outstanding solo contributions from each of the quartet members while their pianist, Rian de Waal, is more restrained. Maurizio Pollini and the Quarteto Italiano would probably be the choice of the intellectual. Their vision is consistently bleak, finding the dark side to Brahms's romantic soul.

But Christoph Eschenbach and the Amadeus Quartet on Deutsche Grammophon's budget Klassikon collection (DG 439 490-2, £6.99) are more human: relaxed and effusive in the lyrical parts of the work, but every bit as ruthless in the dramatic.

To order the recommended recording, with free delivery, please send a cheque payable to The Times Music Shop to FREEPOST, SC0681, Forres, IV36 0BR or phone 0345 023 498; e-mail: music@the-times.co.uk

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## RECOMMENDED TODAY

Guide to arts and entertainment compiled by Mark Hargreaves

## LONDON

**THE PRISONER OF SECOND AVENUE** Richard Dreyfuss and Martha Mason make their British stage debut in Neil Simon's play about big city angst. Theatre Royal, Haymarket (0171-893 8800). Opens tonight, 7pm. £5.

**PETER GRIMES** Welsh National Opera visits London with its two most recent productions, kicking off with Peter Simon's atmospheric version of Britten's masterpiece, energetically conducted by Carlo Rizzi (tonight and Sat). John Diczak sings the title role. Hampstead Theatre, 100 Tottenham Court Road (0171-483 8000). Performance times: 7.30pm. £5.

**MARIA JOAO PIREZ** A solo recital by the Portuguese pianist offers a selection of music designed to reflect her brilliant technique and sensitive interpretations. The programme includes pieces by Debussy, Beethoven and Chopin. Barbican, 100 Tottenham Court Road (0171-483 8800). Tonight, 7.30pm. £5.

**CHARLIE'S ANGEL** A musical comedy by Jonathan Morlock and Helen Goldwyn, who also star as Charlie and one of the two girlfriends. Grace (0171-784 0022). Preview tonight, 8pm. Opens tomorrow, 8pm.

## ELSEWHERE

**BRIGHTON** Neil Barlett directs *The Dispute*, Markham's cold-hearted drama in which four children isolated since birth are brought together to see what happens. Theatre Royal (01273 328488). Opens tonight, 8pm.

**GLASGOW** Scottish Opera's acclaimed production of *La bohème*.

## NEW WEST END SHOWS

Jeremy Kingston's choice of theatre showing in London  
■ House full, returns only ■ Some seats available ■ Seats at all prices

■ **GOOD** C.P. Taylor's best play, tracing a liberal professor's gradual descent into working with the Nazis. Charles Dance heads a strong cast. Michael Grandage directs. Donmar (0171-369 1732). £5.

■ **THE LION, THE WITCH AND THE WARDROBE** Adapted from the classic children's story, this production of the first Narnia adventure comes to town. Barbican (0171-483 8800). £5.

■ **ONCE UPON A TIME** The Three Trials of Oscar Wilde. Michael Pennington plays Wilde, with William Hootkins and Celia Francis as counsel for and against. In Michael Kaufman's play. Cottesloe (0171-484 5055).

■ **A LOVELY SUNDAY FOR CREVE COEUR** Little Tennessee Williams play where two bickering women do and don't want to go for a lakeside picnic. Jenny Sealey directs for Cottesloe Theatre. Cottesloe (0171-484 5055).

■ **GOB** Jason Orange (as John Thel) and Tom Hayes, with Spike as DJ, in Jim Henson's punk-rock-anthology.

## FILMS ON GENERAL RELEASE

James Christopher's choice of the latest movies

## NEW RELEASES

**GOODS AND MONSTERS** (15) Ian McKellen excels as a legendary horror movie director who goes on a journey (Grand Canyon) for a role far darker than that of over-muscled ripper. Bill Condon directs this Edward Scissorhands-style film.

**AMERICAN HISTORY X** (18) Edward Norton is ferociously compelling as a white supremacist ideologue in Tony Kaye's twist, controversial but doomed attempt to put under the skin of an American tragedy.

**PAYBACK** (18) Mel Gibson blasts his way through Brian Koppelman's chunky, actioned thriller. The film luxuriates in its 1970s atmosphere and smooth-talking villains. With James Coburn, and Kris Kristofferson.

**THE RUGRATS MOVIE** (U) Pointless, big cartoon adventure from Nickelodeon in which furry lovable band in a spooky forest. Why enough for adults, an unworkable necessity for three to eight-year-olds.

**MIGHTY JOE YOUNG** (PG) A gigantic, emotional gorilla goes mad in LA. Ron Underwood's film is a triumph of special effects over dismal storylines such as the cheaply Charlize Theron.



Wayne Marshall plays Poulenc in Manchester

returns to the spring repertoire. Tom Smith directs Poulenc's emotive tale, with Frances Pledger and John Marshall in the roles of the tragic lovers. Guido Almone-Mariani conducts the opening performance. Theatre Royal (0171-483 8000). Opens tonight, 7.15pm. £5.

■ **MANCHESTER** The BBC Philharmonic is joined by organist Wayne Marshall and the vocal group The Sirens under Henry Christopher for a celebration of the 100th anniversary of the birth of Poulenc. The composer's organ concerto and his choral work *Sextet* are framed by two works by his compatriot Maurice Ravel. Barbican Hall (0171-483 8000). Tonight, 7.30pm. £5.

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## FILMS ON GENERAL RELEASE

James Christopher's choice of the latest movies

**LA PROMESSE** (14) Enthralling Belgian gem about illegal immigrants by Luc and Jean-Pierre Dardenne. Pin-sharp performances from Jérémie Renier and Olivier Gourmet as his Page-like father.

**AN AUTUMN TALE** (U) Eric Rohmer's slight, idyllic film about a middle-aged wine grower (Benoît Deschamps) ardently in love with a young girl (Léa Seydoux) but offers no real incentive to obtain you.

**WAKING NED** (PG) It's Lottery Lottery for a small village in this lushly filmed tale about a corpse in charge of a winning lottery ticket. With Ian McKellen and David Kelly. Kira Jones directs.

**SEUL CONTRE TOUS (I STAND ALONE)** (18) Brava. A Frenchman's journey through a French butcher's life. Philippe Nahon puts in a monumental performance in Cesar's most ghastly, ruthless experiment.

**THE RUGRATS MOVIE** (U) Pointless, big cartoon adventure from Nickelodeon in which furry lovable band in a spooky forest. Why enough for adults, an unworkable necessity for three to eight-year-olds.

**MIGHTY JOE YOUNG** (PG) A gigantic, emotional gorilla goes mad in LA. Ron Underwood's film is a triumph of special effects over dismal storylines such as the cheaply Charlize Theron.

## Clean fun and dirty talk

If, on the way to Shepherds Bush, I had found my route blocked by a foul old drunkard, effing and blinding at the world, my instincts would have taken me hurriedly past and all my dainty nerves would have twitched at the horrid follies of the world. But having reached the Bush Theatre, and taken a seat on its first and foremost level, I found myself inches away from the character of Teddy, a foul old drunkard, whose every sentence contained one sexual obscenity while most crammed in another couple as adverbial supplements. Along with my colleagues and the rest of the audience I smiled and laughed and shook with enjoyment at this demonstration of man's verbal resourcefulness.

There is a paradox here, which Aristotle would probably resolve, along the lines of dramatic artifice, contained menace and the like. Suffice it to say that the author, Mike Packer, puts Teddy's obscenities to witty use when, at certain points in the play, a sentence emerges from him as virginal clean as anything a saint might utter.

Packer's world is peopled by prostitutes and the men they pay to deface public telephone boxes with their nasty advertisement cards. One of these pimps, who has chosen to call himself Plato, becomes disenchanted with urban life and takes himself off to darkest Suffolk with the pregnant Kath, his former employer, to make their fortune growing marijuana in a remote cottage.

The contrast between city and country is fertile soil for Plato's daft notions — "Breathe in. Be with the tree." But Packer is not in this busi-



Jeremy Kingston

ness just to make easy jokes. Plato's various predicaments, and they come piling in upon him, point to the inadequacy of mere sex to satisfy human needs. What about love? And a sloughing-off of pretension? Finally, coarse talk too proves inadequate when trying to explore the depths of an argument.

The core of the play is the sequence of scenes between Plato (Albie Woodington, sometimes suggesting a bearded John Cleese on speed) and Willie Ross's lovingly detailed Teddy, an unquenchable wreck whose hands and feet nurse ambitions for separate lives of their own. Packer's dramatic skill shows itself in the neat way he concludes Plato's attempt to lure Teddy out to the country. Every argument fails until Teddy, quite simply, changes his mind. This is life-like, precise and satisfying.

The play may be making some further point about man/woman relations when Kath (Susan Sylvester) reveals that male marijuana plants must be grown apart from the females to have any commercial value. The final moments suggest that Plato, now reverting to his true name, is acknowledging this awkward fact. Simon Usher's direction of his cast of six is shrewd and spirited, allowing no dull moment in which one might count the beer cans — 392 of them, we are told.

JEREMY KINGSTON



Susan Sylvester (Kath) and Albie Woodington (Plato) in Mike Packer's Card Boys

## All the old fusion fire rekindled

The longest-lived and most influential jazz-rock fusion band in Britain are Ian Carr's Nucleus, founded in 1969 and finally wound up in 1992. Except not quite finally. Thirty years after recording their first album, *Elastic Rock*, the band are back on the road for a Contemporary Music Network tour.

The impact of that album, from the psychedelic pattern of its label to the slow-burning funk grooves that offset Carr's crystalline trumpet and flugelhorn lines, was dramatic. Introducing a home-grown brand of jazz rock to the generation who trooped to hear Miles Davis at the Isle of Wight the following summer, Carr's music, like that of Davis from the same period, depends on building up a head of steam, adding more and more energy and complexity behind each soloist, then falling back as the next player enters, and building up again, each number tending to collapse exhausted



after a series of multiple climaxes. How would it have stood the test of time? Was the evening going to be a series of played-out clichés? Carr put down such concerns emphatically on the very first number, *Torrid Zone*, from his debut album. After the understated theme of the head arrangement from Carr and saxophonist Phil Todd, bass and drums picked up the pace and the band settled into its familiar swagger. In particular this was due to the aggressive drumming of John Marshall, dictating the dynamics and anchoring the ebb and flow of the performance. Gu-

tended suite *Kaleidoscope of Rainbows*. Built round a Balinese five-note scale, it was hailed at the time as Ardley's most impressive combination of structured composition and space for improvisation. Again, the fear was that coming from the era of *Tubular Bells* a little Balinese background would go a long way, but that would be to reckon without Ardley's subtlety as a writer, and the effectiveness of his soloists. The textures of the woodwind writing, notably for alto flute, clarinet, bass clarinet and soprano sax, were glorious in themselves, but after some gritty tenor from Art Themen all the original fire of the piece was rekindled in the final *Rainbows Six and Seven* as Tony Coe's quicksilver clarinet and Barbara Thompson's forthright alto coaxed the rhythm section into one final and ecstatic climax.

ALYN SHIPTON

## Shop till you drop

It was business as usual at the Peacocks shopping centre in Woking last Thursday lunchtime until, not quite out of the blue, the Bubbleheads arrived.

Some of us, cued in ahead of time, were already clustered at the railings of the Peacocks' four-level atrium, awaiting their arrival. Karen Carpenter's diabolically chirpy, syrupy *Sing a Song* kept looping round the Peacocks' sound system for our benefit. Meanwhile the Bubbleheads — 23 marching pairs of greasers, ravers, hipsters, rubes, demented nurses, grunge-punks and more — were umbilically connected via Walkmans, enabling each duo to march, jog, girate or gesture to their own kind of music.

This was the set-up for choreographer Lea Anderson's mildly subversive, underfoot investigation of the physical pat-



terns of consumer interaction. Woking Dance Umbrella, which finished on Saturday, commissioned her to recruit and train a batch of locals to infiltrate the Peacocks four times in three days.

Anderson dubbed her charges "bubbleheads", a reference to the way a shopping mall functions as a kind of microcosmic bubble for its temporary inhabitants.

Anderson, the director of the quirky her/his dance groups the Chiolmondeys and the Featherstomachs, was using the Peacocks' antiseptic playground atmosphere to ask a few low-key questions. Why do certain people stand out? Through what they wear (the Bubbleheads sported bright colours, clashing patterns and wild hairstyles) and the way they behave (their moves were bigger, faster and just plain more noticeable than those of regular shoppers).

After riding up and down the mall's escalators and jamming into one of the glass lifts, the Bubbleheads spent most of their time wandering among real-life shoppers and pram-pushers. Exchanges between the two groups were subtle and sporadic. "Let me out of here!" a lad shrieked to his mate as two Bubbleheads clubbers grooved past.

After 40 minutes Carpenter's song faded, and the Peacocks reverted to bland, routine rhythms. But wait. Those two women linking arms on the escalator, or that brace of identically dressed security guards, aren't they... Sorry, no. The Bubbleheads have left the building.

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The Birmingham Six, above, with Chris Mullin, MP: their case was a high-profile miscarriage of justice that rocked the legal world

## Why the wheels of justice grind so slowly

James Hanrahan was hanged 37 years ago for the notorious A6 murder. Yesterday his case — one of the longest running miscarriages of justice — was referred by the Criminal Cases Review Commission back to the Court of Appeal for a second look. The referral is a victory for his solicitor, Geoffrey Bindman, who has campaigned over 20 years for the case to be reopened. It is also a timely decision by the commission itself as it celebrates its second birthday.

The commission, set up after a series of miscarriages of justice had rocked the system, has always insisted that its performance can best be judged after two years. It began work on April 1, 1997, and its first year has been successful. The purpose of the commission was to take over from the Home Office the handling of alleged wrongful convictions. It has received 2,375 submissions. Of these, 100 have now been given the thumbs-down; it has referred the convictions of 36 men — including another posthumous case, that of Derek Bentley — and two women to the appeal court.

Many cases have been rejected because they do not meet the appropriate criteria (generally, because they have not caused the appeal process). More than 1,000 are still under consideration. These figures encapsulate the story so

It is two years since the Criminal Cases Review Commission was set up — but how effective has it been, asks Bob Woffinden

far, a mixed one of success and continuing problems. On the one hand, 38 referrals of serious criminal cases in two years compares extremely well with what the Home Office managed when the re-evaluation of cases was still its responsibility. On the other, there is a lengthy wait for applicants who are now told not to expect work on their cases to start for two years.

It was originally assumed that there would be an overwhelming number of applicants at the outset, but that once the accumulated backlog of cases had been dealt with, applications would settle to a manageable level.

What the commission did not anticipate was that applications would go on running at a high level — although it now claims to detect some seasonal variation. Some suggest that the volume of cases was inevitable. Prisoners with nothing to lose would put their cases forward. Even Jack Straw, the Home Secre-

tary, appeared to share this view when he commented to the Home Affairs Select Committee that prisoners took cases to the commission "even though... they're... palpably guilty".

But, of cases examined by the commission, a substantial number (43 of 143) have been successful (five having been referred to appeal on grounds of sentence). Many prisoners will need their cases to be properly prepared by solicitors or legal advisers, who will have to work pro bono, at least until the case goes to appeal. The Home Secretary approved 30 per cent extra funds for the commission in January.

Traditionally, there were three areas of concern about miscarriages of justice. Why did they first occur? Why did the Court of Appeal so often fail to rectify them? And why was the Home Office so reluctant to refer contentious cases back to appeal?

The creation of the commis-

sion looked at just the last of these, although in practice it may also have had an impact on the second. Of the commission-referred cases which have so far been heard at appeal, all but two have been successful, suggesting some deference on the part of the Court of Appeal to the commission's exhaustive work. By contrast, three of the last cases referred to appeal by the Home Secretary were turned down at appeal.

Graham Walker, convicted of indecent assault and rape charges, is the first serving prisoner to win his case at the commission and lose at appeal. The list of commission rejections includes three particularly controversial cases: Winston Silcott, Tony Dickinson and Paul Cleland. In both the Dickinson and the Cleland cases, lawyers are seeking judicial reviews of the commission's decision.

One so far unacknowledged difficulty is that the commission's mere existence may be helping to create miscarriages. Jurors may come to believe it is better to err on the side of the prosecution and the commission will correct them if wrong. And the essential difficulty remains: however valua-

ble the commission, nothing has been done to stop miscarriages occurring in the first place. Indeed, many may argue that changes in the mid-Nineties, such as disclosure provisions, make them more likely. If the Government wants to tackle this problem properly, and save substantial public funds, then the commission is where it must focus.

E-mail lawpage@the-times.co.uk

## How Canada can help choose judges

The judicial appointment system reformers should look abroad, says Neil Addison

Now that the House of Lords has finally issued its ruling on the extradition of General Augusto Pinochet, attention will return to the judicial shambles surrounding the "Hoffmann affair". Examining how judges are appointed and disciplined is timely, given the impending reform of the House of Lords as a legislative body and the impending incorporation of the European Convention on Human Rights into UK law.

It is unlikely that the present situation is compatible with Article 6 of the Convention. At present the law lords are members of the legislature, and a government minister, the Lord Chancellor, can remove circuit judges, recorders and magistrates.

How does it work? Judges are appointed by the federal or provincial Attorney-General but only after they have been recommended for appointment by a Judicial Appointments Committee. There are a number of such committees across the country, comprising representatives of the legal profession, the judiciary and lay members. The criteria that committees follow allow them to consider not merely experience as an advocate, but also "non-mainstream legal experience" and "politeness and tact".

After interview and assessment candidates are graded as "recommended", "highly recommended" and "not recommended". Having been presented with the committee's recommendations, the minister is able to choose from it or may ask the committee to rethink things. There are no quotas for appointment of women or minorities to the judiciary, but 41 per cent of judges appointed in Ontario between 1989 to 1992 were women.

Another unique feature is the judicial councils that have been established by statute at both federal and provincial level. These consist of the Chief Justice and other senior judges acting as a corporate body. Where a complaint is made against a judge, it may be referred to the appropriate judicial council, which will arrange for it to be investigated. The council may suspend the judge while the complaint is being investigated and may issue a reprimand or recommend dismissal. The accused judge is entitled to a proper hearing before any recommendation is made for his removal. Judicial councils lay down general guidelines on acceptable judicial behaviour.

Britain should establish a judicial council based on the Canadian model. Consisting of the Lord Chief Justice, Master of the Rolls, two circuit judges, two lay magistrates and three other appointed by the Lord Chancellor, it could take over the Lord Chancellor's disciplinary functions. The council would also be responsible for providing guidance to judges on such issues as conflict of interest. It would, after all, be foolish to ignore this issue and wait until the Human Rights Act 1998 comes into force and makes 90 per cent of the judiciary legally invalid.

● The author is a barrister in Cathedral Chambers, Newcastle upon Tyne.

Judges would receive guidance on conflict of interest

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INVESTOR IN PEOPLE

ADREW DISMORE, the solicitor MP, is at it again. First QC — now judge. He has tabled another early day motion which has been signed by more than 100 MPs, urging the modernisation of the judiciary. It calls for a transparent system of judges through a Judicial Appointment Commission, a register of interests — both pecuniary and non-pecuniary — for all judges, and more specialist judges to be allocated to complex specialist trials.

□ THE Woolf industry is taking off. The College of Law, with One Essex Court Chambers, is launching an Internet site giving training and information on the reforms which take effect on April 26. (www.woolf.co.uk). The site will include a homepage on the rules and procedures and a link to the Lord Chancellor's Department website. Peter Reekie, head of a college computer teaching unit, says it is a first. Meanwhile, Weight-

mans, the Liverpool law firm, has launched a Woolf website (www.weightmans.com) and chambers at 2 Temple Gardens are holding another seminar (the last four were sold out) with Sweet & Maxwell on the new White Book.

Finally, Wilberforce Chambers has come up with the ultimate "must have" Woolf accessory — a computer mousemat to go with their new guide to the rules. The guide (£25) is in law bookshops.

□ LEGAL headhunter Sally Horrocks, director of ZMB, is taking a rather different sabbatical from the norm: she will manage the England Netball Team for the 1999 World Championships.

□ THE Cabinet enforcer Jack Cunningham, Kenneth Clarke, the former Chancellor, and Piers Morgan, Editor of *The Mirror* will be at the Inns of Court School of Law to take part in an episode of BBC Radio 4's *Any Questions* on April 23.

□ NOISY neighbours? Holidays from hell? Go online with *Which?* Its new website (free sampling on www.which.net/legal) gives answers to the 401 most common legal problems. *Which?* subscribers have full access — and can use *Which?* lawyers for their own case.

□ LINCOLN'S INN is creating an annual award in honour of the late Peter Duffy, QC. The award will mark his contribution to European law and human rights as well as concern for law students.

□ WHY does New Jersey have the most toxic waste and California the most lawyers? Because New Jersey had first choice. Anthony Julius, lawyer to the Duchess of York, told the joke as he gave the Essex Law Lecture held by the Suffolk and North Essex law societies with Essex University's law school. Such jokes, Julius argued, were "mini-novels" which reveal the low esteem in which novelists hold lawyers. US writers hate lawyers and respect the law — in the UK, the satire is at the expense of the legal system.

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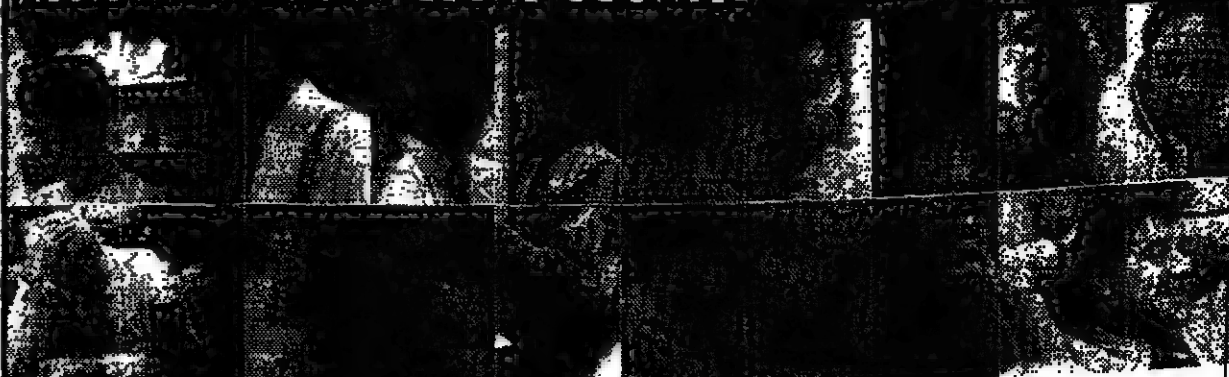
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The interview was going well. The candidate had proved they knew their way around a shareholders' agreement within the first ten minutes. They explained why they were on the market and the interviewers seemed happy with the explanation. The interviewers' body language became more animated and they had even begun to smile.

Then the candidate was asked the seemingly straightforward question: "Who do you regard as our direct competitors?"

The corporate assistant solicitor was being interviewed by a leading commercial practice in the North West. In answer, the candidate quoted the names most would give as being in the same league. Wrong answer. The interviewer suddenly stiffened and the smile was gone. "We regard X, Y and Z as our direct competitors," he said. X, Y and Z happened to be three top international firms, five times the size of the interviewing firm. This actually happened, though it was an extreme example.

Firms which are doing well are proud of their success. Their perception of themselves may differ from yours. If you're asked this question, and you want the job, err on the side of quoting lesser firms.

David Woolfson

## IN-HOUSE & OVERSEAS

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# Sex and abuse of trust

A new law criminalises intimacy if professionalism is violated, says Gary Slapper

Sex and criminal law are not good partners. But the Government is in the process of enacting new law that would make a criminal sex offender of, say, a sixth-form college teacher who had an affair with one of his or her 17-year-old students. It would be a crime, even though the relationship would be between two consenting adults.

How far should the criminal law reach into people's sexual relations? In the past such law has taken a narrow-minded, undiluted attitude to sexual relations, so much so that we are now in the process of liberalising many laws, not making them more intolerant. The Government is, for instance, just taking through Parliament the new law reducing the minimum age of certain homosexual conduct. This will equalise the age of consent for homosexuals, lesbians and heterosexuals — 16 in Great Britain, 17 in Northern Ireland.

Yet the Sexual Offences (Amendment) Bill, now in the Lords, which liberalises the age of consent, also contains the remarkably draconian measure that would criminalise the student/teacher love affair. Such an affair might well be an immoral outrage, but criminalising it as a sex crime is a different matter.

Where such a relationship is formed, the policy of the employer could ensure that the conduct was a serious disciplinary matter. All that, however, seems insufficient for the Government, which is now apparently intent on bringing such conduct into the same category as paedophilia and rape, and requiring a convicted person to register as a sex offender under the Sex Offenders Act 1997.

The new criminal law clampdown, on people who abuse

positions of trust to begin sexual relationships seems mainly to have been prompted by cases in which the younger party was mentally or socially vulnerable. The clause bringing those aged 16 and 17 in full-time education into the same frame of protection is, arguably, an overreaction.

The Bill introduces a new offence whereby a person aged 18 or over has sexual intercourse or engages in "any other sexual activity with or directed towards a person under that age" if the person over 18 is in a position of trust in relation to the younger person.

A breach of care makes an offence of under-age sex worse

The phrase "position of trust" is given specific meaning in the draft law.

Most of the scenarios presented are uncontroversial. They include instances where the younger person has been detained under a court order in an institution under the Mental Health Acts, and where he or she is in local authority care or foster care.

Perhaps as a result of the definitional problems experienced by President Clinton with the concept of sex, the new law is fairly all-embracing. The test as to whether a person is in a position of trust is whether a reasonable person would, in the circumstances, regard the activity as sexual. Behaviour that a reasonable person would regard as sexual activity only if he were aware of a person's intentions, motives or feelings is specifically excluded. Thus, behaviour that is non-sexual in nature — for example, a sports trainer tackling a pupil on a rugby pitch — may not be challenged because of alleged hidden motives.

The criminal law has always been quick to act where people in positions of trust have had sexual relations with those in their care who are deemed by the law as



Scoutmistress Sarah Hubert was convicted of indecent assault and placed on probation

being too young to consent to sex, or whose vulnerability has been exploited. Even where the relationship is consensual the law will understandably punish under-age sex. At the end of last year Sarah Hubert, a 25-year-old Scoutmistress who had an affair with a 14-year-old Scout, was convicted of indecent assault and placed on probation for two years.

Consensual sex above the age of consent in which one party is violating a position of trust is more problematic. Four years ago a married

teacher left her husband, home and career to run off with a 16-year-old pupil at her school in Bristol. The oddity of the relationship between Edwina Shore, 42, and Jason Maddox, 16, was accentuated by the fact that the teacher's eldest daughter was only two years younger than Jason. Since then Edwina and Jason have had a son, now two years old. Ms Shore, who would be facing a prison sentence had the new law been in force at the time of her affair, has spoken out against the proposal: "I do not believe that a pris-

on term would have ended our relationship. What right has the Government to say what is right and wrong?"

The suppression of immorality is not the business of the criminal law. Unless we are to succumb to the watchful gaze of a Big Brother, we shall always have bizarre people in our midst.

We do not need to put them in positions of trust, but, equally, we do not need to put them in jail.

Dr Slapper is the director of the law programme at the Open University.

# Sponsorship and the big picture

More firms are funding arts events for altruistic reasons, says Edward Fennell

Lawyers are usually camera-shy, so it is no surprise that not one appears in the Terence Donovan photographic exhibition that opened at the Museum of London last week. Even so, lawyers played a key role in mounting the show with Denton Hall, the City solicitors, spending £50,000 to back the event.

Elizabeth Rantzen, the head of business development, says: "After a non-merger last year the firm was in a strategic vacuum. Traditionally, our marketing has focused on individual departments, but we wanted to create an event that would bring the firm together. The Donovan exhibition seemed an ideal way of doing that."

Denton Hall has not just written a cheque to get its name on the poster. During the course of the exhibition it will host about 25 receptions for clients and staff as a way of presenting itself afresh to the world and boosting morale. Chris Crowcroft, the consultant in arts business sponsorship who advised Denton Hall, says: "An exhibition creates excellent opportunities for meeting clients and talking to them in a stimulating environment."

This arts sponsorship is a first for Denton Hall, and the firm took great care analysing both the potential business opportunities and what kind of event to select.

Ms Rantzen says: "The decision to go for the Donovan photography was based on the view that his work was very accessible and was set mostly in the Sixties, an era with which our partners and clients would identify."

Important though the Donovan exhibition is, it cannot match the scale of Ernst & Young's Monet exhibition at the Royal Academy. This is the fourth in a series of blockbuster events the accountants have supported — the others include Bonnard, Cézanne and Picasso. During the course of the Monet season Ernst & Young will host about 50 events, again largely for corporate guests and clients.

The consistency of Ernst & Young's arts strategy has been essential to its success. Mr

Crowcroft says: "The decision needs to be long-term so that it will be sustained by the firm no matter who is in the key position. It also needs to be clear in its purpose."

By contrast with the accountants, lawyers' use of arts sponsorship is sporadic. While they may make annual donations to orchestras and theatre companies, it is still rare to make the investment necessary for a named event. An exception is the medium-sized firm Collyer-Bristow, based in Bedford Row, which has turned its reception area into an art gallery where exhibitions are held regularly.

A curator selects and plans the exhibitions in consultation with half a dozen key partners.

Michael Drake, a partner, says the time and trouble have paid off in terms of the opportunities for meeting new clients and renewing relationships with long-term clients. The gallery also holds themed events — later this year, for example, there will be an exhibition of sports photography. There is a view that arts sponsorship should be used simply as a way of contributing to the community as an act of genuine altruism.

Taylor Joynson Garrett has an excellent collection of modern art in its futuristic building overlooking the Thames on Victoria Embankment. Clifford Chance undertook legal work for the new Sadler's Wells on a pro bono basis and plays host in its vast atrium to the London Musicians' Orchestra. The Post in the City initiative was launched there recently by, among others, Wendy Cope.

"The firm's involvement in art activities does not have a marketing purpose as such," says Keith Clark, a senior partner. "We certainly have a large marketing budget, but we tend to spend it where the outcomes are measurable. I am not entirely sure that you can do that with the arts."

Magdalen Roberts, the development manager for the Museum of London, was pleased by the backing from Denton Hall. She is now looking for a sponsor for the London East Out: 500 Years of Eating Out in London exhibition, designed by Sir Terence Conran. Any firms fancy that?



Donovan: relevant to Sixties aficionados

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### CORPORATE

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### EMPLOYMENT

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For further information, in complete confidence, please contact Emma Anderson or Ciel Freeman on 0171-405 6062 (0171 670 5224 or 0171 387 3838 evenings/weekends) or write to us at QD Special Project Lawyer.

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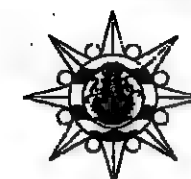
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## Court of Appeal

## Ministry entitled to Crown immunity

**Derry v Ministry of Defence**  
Before Lord Justice Kennedy, Lord Justice Chadwick and Lord Justice Laws

**Judgment March 18**  
The Ministry of Defence was entitled to rely on the immunity from liability in tort in section 10 of the Crown Proceedings Act 1947 to defeat a claim for negligence against a military doctor for alleged failure to diagnose and treat a carcinoma.

The Court of Appeal so held by a majority. Lord Justice Kennedy dissenting, dismissing the appeal of the plaintiff, Andrew John Derry, against the decision of Mr Justice Butler-Sloss (The Times June 8, 1998) on a preliminary issue that no liability attached to the defendant, the Ministry of Defence, for personal injury and loss of expectation of life suffered by the plaintiff.

Section 10 of the Crown Proceedings Act 1947 provides: "Nothing done or omitted to be done by a member of the armed forces of the Crown while on duty... shall subject either him or the Crown to liability in tort for causing the death of another person, or for causing injury... in so far as the death or personal injury is due to anything suffered by that other person while he is a member of the armed forces of the Crown... (a) at the time when that thing is suffered by that other person, he is either on duty as a member of the armed forces of the Crown or is, though not on duty as such, on any land, premises... for the time being used for the purposes of the armed forces."

Mr Walter Aylen, QC and Mr Karl King for the plaintiff; Mr Brian Leveson, QC and Mr Robert Jay, QC, for the Crown.

**LORD JUSTICE KENNEDY**, dissenting, said that in 1985 the plaintiff was a soldier serving in Germany. In September 1985 he was referred to an ophthalmic specialist, Dr Pampapathi, at the British Military Hospital in Münster.

It was his case that he was at that time suffering from a carcinoma in the left orbit. That condition was not diagnosed or treated until 1987 when he went to a hospital in Worcester.

In September 1989 he commenced proceedings against the defendant alleging that Dr Pampapathi, employed by the defendant, was negligent in failing to diagnose and treat the carcinoma from 1985 onwards.

In his defence the defendant relied on section 10(1) of the 1947 Act. For the purposes of the preliminary point only the defendant accepted that the carcinoma was present in 1985.

His Lordship said that for the purposes of section 10 the thing suffered had to be distinct from the personal injury, because the personal injury had to be "due" to it, and it could not be the acts or omissions relied upon as giving rise to liability.

As Mr Aylen pointed out, an establishment of a pre-existing carcinoma would continue whether the plaintiff was on or off duty so a claim for damages for medical negligence consisting of an omission to diagnose and thus a failure to treat fell outside the immunity in section 10.

Mr Leveson submitted that the "thing" suffered in consequence of the doctor's allegedly negligent omission to diagnose was the untreated progression of the carcinoma and the personal injury suffered by the plaintiff.

It was unlikely to be difficult in identifying the thing suffered. It would be the impact or trauma itself.

The question whether or not the act or omission gave rise to liability depended not on where that act was done or where that omission occurred but on the circumstances in which the thing suffered was suffered by the person by whom it was suffered.

More difficulty arose where personal injury resulted from disease. In *White v McGregor* (1962) 101 All E.R. 613, 101 Lloyd's Rep. 101, the plaintiff alleged that, while in the Armed Forces in the South Pacific he had been exposed to radiation from the conduct of nuclear weapons tests. The injuries were not manifest until many years later.

It was held that the thing suffered was the exposure to radiation. That approach was subsequently applied in *Quinn v Ministry of Defence* (1998) PIQR 387 where the plaintiff alleged that he had inhaled asbestos dust while serving on ships of the Royal Navy. Many years later he suffered from mesothelioma.

It was held that the thing suffered was the inhalation of asbestos dust and that was the consequence of the condition of the ship.

In both those cases it was perhaps necessary to examine the distinction between the event which had given rise to the disease and the disease itself.

Whether it was the event giving rise to the disease or the disease itself which was the thing suffered, that thing suffered was mainly suffered in consequence of the nature or condition of Crown property.

It was the analysis in *Peartree* of the earlier decision of *Bel v Secretary of State for Defence* (1986) QB 322 which put the matter beyond doubt.

## Law Report March 30 1999

## No supply made until payment or tax invoice issued

**Commissioners of Customs and Excise v Svenska International plc**  
Before Lord Slynn of Hadley, Lord Lloyd of Berwick, Lord Hope of Craighead, Lord Clyde and Lord Hutton

**[Speeches March 25]**  
Regulation 23(1) of the Value Added Tax (General) Regulations (SI 1985 No 884) provided that where there was a continuous supply of services, no supply was to be treated as having been made until there had been a payment or a tax invoice had been issued.

By section 29(1) of the Value Added Tax Act 1983, where two companies became members of a VAT group, supplies between them were to be disregarded and any business carried on by a group member was treated as carried on by the representative member.

Where, therefore, company A had reclaimed input tax on inward supplies used to provide continuous management services to B, a non-VAT registered bank making supplies to make an exempt supply, B had to issue an invoice for those services B had become registered in a VAT group with A, the latter being the representative member, the inward supplies which would have been attributable to taxable supplies from A to B, had an invoice been issued before the formation of the VAT group, fell instead to be attributed to supplies made outside the group, including those by B to its customers.

It followed that to the extent that the supplies to those customers were exempt A had, for the purposes of regulation 34(1)(b) of the 1985 Regulations, used an inward supply attributable to an intended taxable supply to make an exempt supply and therefore had to repay the proportion of input tax for which it had been credited which was attributable to the exempt supplies.

The House of Lords so held (Lord Lloyd dissenting) in dismissing an appeal by Svenska International plc from the order of the Court of Appeal (Lord Justice Butler-Sloss, Lord Justice Auld and Lord Justice Aldous) (The Times July 3, 1997; 1997 STC 938) reversing the decision of Mr Justice Carnwath in *Svenska* (The Times November 23, 1998). "It is axiomatic that the court will only strike out a claim as an abuse after most careful consideration."

The basis of the judge's finding of abuse of process was that Mr Seddon was trying to litigate issues which were inconsistent with those he had litigated before and, incidentally, that he was trying to litigate issues which he could have litigated before.

The judge should have been more hesitant before striking out the third party claim on a basis of inconsistency based on what were arguably equivocal pleadings and disposal by the court in the earlier action.

More importantly, he should have looked beyond any inconsistency that he found and considered whether Mr Walsh and Mr Rhodes had shown differences between the two claims that made the third party claim in all the circumstances an abusive process.

Lord Justice Nourse and Lord Justice Ward agreed.

**Solicitors:** Putnams, Birmingham; Oldham Ross Jones, Stafford; Lyons Wilson, Manchester.

the banks London branch for a charge. The services provided included staff, use of shared premises, office services, telecommunications, electricity, and legal and accounting services.

Svenska was registered for VAT at all material times but the branch could not be registered until 1991, when it was included in a VAT group with Svenska, with the latter as representative member.

From 1987 to 1991 Svenska had provided the services and recovered in full the input tax it attributed to the supplies to the branch without issuing an invoice nor receiving payment, although amounts in respect of the services were accrued in the accounts of both bodies.

An invoice was issued by Svenska in 1992 for its services up to 1991 which, by virtue of section 29(1), did not charge output tax and it was duly paid.

Mr David Milne, QC and Mr Rupert Baldry for Svenska; Mr Nigel Fleming, QC, for the commissioners.

**LORD HUTTON** said that the principal argument advanced by the commissioners had been that services supplied by the London branch to third parties, which included exempt services, were, pursuant to section 29 of the 1983 Act, to be regarded as supplied by Svenska so that Svenska had used the supplies in it to make exempt supplies and accordingly regulation 34(1)(b) applied.

Mr Milne had advanced two submissions.

First, that during the period between 1987 and 1991 Svenska did in fact instantly use the goods and services supplied to it for the intended purpose of providing the onward services to the London branch.

Thereafter when the London branch joined the VAT group on August 1, 1991 there were no "accumulated services", to use the term employed by the commissioners, and regulation 34 could not apply, because Svenska had already made taxable supplies to the London branch so that there were no supplies which Svenska could use or appropriate for use.

His Lordship could not accept that submission. Regulation 23(1) made it clear that where there was a continuous supply of services, no supply was to be treated as having been made until there had been a payment or a tax invoice had been issued.

**Solicitors:** Beachcroft Stanleys; Solicitor, Customs and Excise.

## Re-litigation is not necessarily abuse of process

**Bradford and Bingley Building Society v Seddon; Hancock and Others, Third Parties**  
Before Lord Justice Nourse, Lord Justice Auld and Lord Justice Ward

**Judgment March 11**  
The court should exercise caution before striking out for abuse of process an action that involved the re-litigation of issues raised in an earlier action in accordance with the principle established in *Henderson v Henderson* (1843) 3 Hare 100.

In a case of mere re-litigation not giving rise to cause of action or issue estoppel the onus was on the person making the allegation to establish what it was that made the further litigation an abuse.

The Court of Appeal so held in a reserved judgment allowing an interlocutory appeal by Mr M. W. Seddon, defendant to an action by the plaintiff, Bradford and Bingley Building Society, from the order of Judge Kenneth QC, sitting as a judge of the High Court in Manchester on March 23, 1998, striking out as an abuse of process Mr Seddon's third party proceedings against Mr Rodney Hancock, Mr L. J. Walsh and Mr S. L. Rhodes, formerly partners trading as Hancock.

Mr Michael Black, QC, for Mr Seddon; Mr Mark Halliwell for Mr Walsh; Mr Philip Raynor, QC, for Mr Rhodes; Mr Hancock did not appear and was not represented.

**LORD JUSTICE AULD** said that the appeal raised the question in what circumstances a court might strike out as an abuse of process an action between parties and on grounds different from those that either party advanced.

Was inconsistency enough in the absence of special circumstances, or, for example, had there to be some additional factor such as dishonesty or a collateral attack on the earlier judgment to render the inconsistency an abuse?

Mr Seddon's claim in the earlier action was against Mr Hancock, an accountant, for damages for negligence and/or an indemnity in respect of a failed investment that involved Mr Seddon taking a mortgage of £120,000 from the Bradford and Bingley Building Society.

Mr Hancock had admitted liability but Mr Seddon was unable to enforce the judgment as Mr Hancock had no money.

As a result, Mr Seddon owed the building society over £180,000 and when it instituted proceedings to recover the sum, he sought by the third party proceedings to revive the unsatisfied claim against Mr Hancock and to include two of his partners, Mr Walsh and Mr Rhodes.

Mr Seddon's third party claim was expressed in broader terms than his earlier claim. He sought an indemnity towards his liability to the building society and damages in respect of failure to indemnify him, negligence and/or misrepresentation.

The broad question was whether the second claim fell foul of the dictum of Sir James Wigram in *Henderson v Henderson* (at p115) that the appeal raised the question in what circumstances a court might strike out as an abuse of process an action between parties and on grounds different from those that either party advanced.

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Mr Seddon's third party claim was expressed in broader terms than his earlier claim. He sought an indemnity towards his liability to the building society and damages in respect of failure to indemnify him, negligence and/or misrepresentation.

The broad question was whether the second claim fell foul of the dictum of Sir James Wigram in *Henderson v Henderson* (at p115) that the appeal raised the question in what circumstances a court might strike out as an abuse of process an action between parties and on grounds different from those that either party advanced.

Was inconsistency enough in the absence of special circumstances, or, for example, had there to be some additional factor such as dishonesty or a collateral attack on the earlier judgment to render the inconsistency an abuse?

Mr Seddon's claim in the earlier action was against Mr Hancock, an accountant, for damages for negligence and/or an indemnity in respect of a failed investment that involved Mr Seddon taking a mortgage of £120,000 from the Bradford and Bingley Building Society.

Mr Hancock had admitted liability but Mr Seddon was unable to enforce the judgment as Mr Hancock had no money.

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that a party should, save in special circumstances, bring forward his whole case in one go and not subsequently seek to re-open the same subject matter by reference to claims in earlier proceedings and/or in respect of different issues.

There was an important distinction between res judicata, cause of action or issue estoppel, and abuse of process not qualifying as res judicata.

The former, in its cause of action form was an absolute bar to re-litigation and in its issue estoppel form also, save in special circumstances.

The latter, which might arise where there was no cause of action or issue estoppel, was not subject to the same mechanical test, the test of the court being to draw the balance between the competing claims of one party to put his case before the court and of the other not to be unjustly hounded given the earlier history of the matter.

The *Henderson* rule was capable of application where the parties in which the issue was raised were different from those in earlier proceedings see *Yat Tung Investment Co Ltd v Do Hong Bank Ltd* (1975) AC 581.

Equally, the rule might in an appropriate case apply to a plaintiff who could and should have pursued his claim in an earlier action against the same defendant see *Ashted v British Coal Corporation* (1992) 2 QB 338.

The statement by Lord Justice Simon Brown in *C (a Minor) v Hackney London Borough Council* (1996) 1 WLR 789, 793 that the

res judicata rule, which he described as "an extended application of the res judicata doctrine", could not apply to someone not a party to the earlier proceedings, was contrary to the decision of the Privy Council in *Yat Tung* and did not distinguish clearly res judicata and abuse of process independent of the former's strict limits.

More re-litigation, in circumstances not giving rise to cause of action or issue estoppel, did not necessarily give rise to abuse of process.

Equally, the maintenance of a second claim which could have been part of an earlier one, or which conflicted with an earlier one, should not per se, be regarded as an abuse of process.

In a case of re-litigation falling short of res judicata, the onus was on the person alleging abuse of process to establish that it was that made the further litigation an abuse.

References to the *Henderson* rule and in various modern authorities to the need for special case or circumstances to justify litigating a matter that should have been litigated on an earlier occasion were not an obstacle to that interpretation of the law relating to abuse of process as distinct from res judicata.

To construe them as such would undermine the basis of the court's jurisdiction as it had developed, namely to look for some element additional to mere re-litigation, to avoid restrictive rules and to be cautious before barring people from access to the courts.

His Lordship said that the written notes were documents, but the actual questions and answers which were thus noted were not documents within rule 37 of the 1984 Rules.

Thus, there would have been no obligation on the interviewing police officers from giving appropriate evidence as to what was said in the course of each interview.

Although the evidence would have been hearsay, it was clear that there was no rule which precluded a coroner from admitting hearsay evidence: see *R v Greater Manchester Coroner, Ex parte Tal* (1985) 1 QB 67, 84.

The coroner was wrong in law to hold, in effect, that rule 37 prevented him from admitting the notes of the police interview into evidence. The interviewing police officers were available and could have given evidence about what was said by each witness during the interview.

By having regard only to the written notes of the interviews, and treating them as documents to which the provisions of rule 37 applied, the coroner misdirected himself because he failed to give any general consideration to the admissibility of other evidence as to what was said during those interviews, such as the evidence of the interviewing officers.

Mr Justice Forbes agreed.

**Solicitors:** Strachan SJ George, Dalston; Treasury Solicitor.

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Mr Justice Forbes agreed.

## Substituting manslaughter for murder verdict

**Regina v Weekes**  
Before Lord Justice Schiemann, Lord Justice Hughes and Judge Martin Stephens, QC

**Judgment February 18**  
The Court of Appeal could substitute a conviction for murder with that of manslaughter by reason of diminished responsibility under section 3 of the Criminal Appeal Act 1968, even though the jury could not, on the evidence placed before it at trial, have found the accused guilty of manslaughter by reason of diminished responsibility.

The Court of Appeal, Criminal Division, so held when allowing an appeal by Stephen Weekes against his conviction on May 22, 1998 at the Central Criminal Court (Mr Justice Hutchinson and a jury for murder and substituting one of manslaughter.

Section 3 of the 1968 Act provides: "[I]f this section applies on an appeal against conviction, where the appellant has been convicted of an offence and the jury could on the evidence have found him guilty of some other offence, and the finding of the jury it appears to the Court of Appeal that the jury must

have been satisfied of facts which proved him guilty of the other offence.

"(2) The Court may, instead of allowing or dismissing the appeal, substitute for the verdict found by the jury a verdict of guilty of the other offence, and pass such sentence in substitution for the sentence passed at the trial as may be authorised by law for the other offence."

Mr Nigel Ruffin, QC, assigned by the Registrar of Criminal Appeals, for the appellant; Mrs Rebecca Poulton, QC, for the Crown.

**LORD JUSTICE SCHIEMANN** said that the accused was suffering from schizophrenia, which caused him to believe that he was attacked by the deceased and that because the psychiatrist instructed by the defence and prosecution all agreed that his belief was unfounded, they were plotting against him.

He accordingly refused to permit evidence that he was suffering from diminished responsibility to be put before the jury at his trial, contrary to his counsel's advice.

On appeal, the accused sought to adduce the medical evidence of diminished responsibility which had been available, but not adduced at trial.

His Lordship said that had the medical evidence been placed before the jury, it would have acquitted the accused of murder and returned a conviction of manslaughter by reason of diminished responsibility.

The indictment was sufficiently widely framed to permit a conviction of manslaughter, and the evidence must have satisfied the jury that the accused unlawfully and deliberately killed the deceased.

Thus the jury could have found him guilty of manslaughter, even though it could not, on the evidence, have done so by finding that he was suffering from diminished responsibility.

Section 3 of the 1968 Act was not to be so narrowly construed as to prevent a substitution on appeal on the ground of diminished responsibility where, on the evidence before the jury, it could not have found the defendant guilty of manslaughter by reason of diminished responsibility.

**Solicitors:** Crown Prosecution Service, Highbury.

## Place of performance on delivery

**Viskase Ltd and Another v Paul Kiehl GmbH**  
Before Lord Justice Evans, Lord Justice Morritt and Lord Justice Chadwick

**Judgment March 19**  
In a claim for breach of contract between an English company manufacturing plastic packaging products and its German supplier of the machines used in the manufacturing process, the contractual obligation to supply a machine which was to be delivered to the place of performance at the time of delivery of the machine in Germany, which was the "place of performance" for the purposes of article 5(1) of the Brussels Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters 1968.

The Court of Appeal so held (Lord Justice Evans dissenting) in a reserved judgment allowing the appeal of the defendants, Paul Kiehl GmbH, against the claimant by Judge McConigal, sitting as a judge of the High Court in the Newcastle upon Tyne Mercantile Court on January 29, 1998, of their application to set aside the writ of the plaintiffs, Viskase Ltd and Viskase (UK) Ltd, and concluded, inter alia, that the English courts had jurisdiction to hear the plaintiffs' claim for substantial damages for alleged breaches of eight contracts between 1989 and 1992 for the supply by the defendants of eight thermofforming machines used for manufacturing plastic packaging.

Mr Julian Flaux, QC and Mr Ian Atherton for the defendants; Miss Mary Vitoria, QC and Mr Thomas Moody-Stuart for the plaintiffs.

**LORD JUSTICE EVANS**, dissenting, said that the correct approach to the interpretation of article 5(1) was set out in the speech of Lord Goff of Chelvey in *Kleinwort Benson Ltd v Glasgow City Council* [1999] AC 133, 164, 166. The question was whether the place for performance of contractual obligation which the defendants were alleged to have broken or failed to perform was in England rather than Germany.

Mr Flaux submitted, inter alia, that the obligation to supply machines which were suitable for the purpose by the terms of the contract the place for performance was in Germany, and the subsequent installation of the machines in England after delivery could not alter the nature of the obligation or the place of performance.

Miss Vitoria contended that the relevant contractual obligation arose under a warranty that the machines would be suitable for the process and that the place where the obligation was in substance to be performed was England.

Notwithstanding the restrictive interpretation which article 5(1) should be given, the underlying purpose was to give to the court having a close connecting factor with the dispute the jurisdiction to resolve it.

She submitted, alternatively, that there was an implied warranty for fitness under section 14(3) of the Sale of Goods Act 1979, which continued for the commercial life of the particular machine.

In his Lordship's view, the difficult questions as to whether the relevant contractual obligation was referable to a statutory implied term under section 14(3) did not have to be answered, because the claim was based on an alleged express undertaking by the defendants or their agent that the machines would achieve results when they were put into use at the plaintiffs' factory.

There was a conceptual difficulty in ascribing a place of performance to an obligation which did not require any act of performance by

the contracting party, but was rather an acceptance of responsibility upon the occurrence or non-occurrence of an event.

However, that had to be done for the purposes of article 5(1), and, in his Lordship's view, the alleged undertaking that the machines would achieve certain production levels and efficiencies at the factory in England could properly be regarded as a contractual obligation whose place of performance was in England.

It was akin to a performance guarantee which was "performed" or broken where the subject-matter was situated at the relevant time.

The English court had jurisdiction in the case because the principal contractual obligation alleged to be broken had its place of performance in England.

If there was a performance guarantee, then subject to the conceptual difficulty referred to, the position would be clear: the guarantee, if performed, fell far below the agreed standard, would be broken in England.

However, the alleged express term was complied with or broken in England. Whether the machines would so perform could not be determined at the time and place of delivery in Germany, but only when installed and operated in England.

LORD JUSTICE CHADWICK said that the court had to assume that, if the action proceeded to trial, the plaintiffs would establish a contractual obligation as was pleaded; that was the "obligation in question" for the purposes of article 5(1).

The obligation was to supply a machine which was reasonably fit for the known purpose. That obligation had to be performed at the time when the machine was supplied to perform it.

The seller had not undertaken an obligation to do whatever was

necessary from time to time to ensure that the machine continued to perform for which it had been purchased; that was not alleged.

The position was, in his Lordship's view, that the seller was in breach of the obligation to supply a machine fit for the known purpose (if the machine failed subsequently because, as supplied, it was not fit for use in commercial production





Nicholas Anelka scores Arsenal's goal in the 1-1 draw against Southampton at Highbury earlier this season. The return match, vital for both teams, takes place this Saturday

## Kermit's team leapfrogs up to claim £1,000 prize

If it's not broken, don't fix it. That could be the watchword of Alastair Dobson, of Blackburn, who made his last alteration to his Fantasy League team in early November and found out last week that it had won our monthly prize for March with a total of 54 points.

Kermit's Chosen 11, the team selected by Mr Dobson, who works as new business supervisor for a finance company, tied for first place but took the prize on the strength of a higher jump (\$4,239 places) than his closest rival.

It is interesting to note that Mr Dobson, who is a keen supporter of Blackburn Rovers and a regular at Ewood Park — work permitting — has no Rovers players in his line-up.

"Initially, I started with Kevin Davies in the side," he said. "I expected him to have a good season."

Enough said. Davies was the first casualty of a series of transfers which saw Marcus Gayle join the team; Gayle's eight points, most gained in Wimbledon's 2-1 win at Hillsborough, were invaluable.

The top two performers in the team were Arsenal's David Seaman and Ian Harte of Leeds United.

another wise signing. "I noticed that Jason Dodd was injured and I had read that Harte was an up-and-coming star," Mr Dobson said.

With the race for the prize proving so tight, every point was important; even the two contributed by Steve Stone. Only Henning Berg of Manchester United (a former

Blackburn player) failed to score a point, although Graeme Le Saux, who won an FA Carling Premiership medal while at Ewood Park, made up for it with a vital four. Mr Dobson wins the £1,000 plus £100 worth of sports equipment.

There have been no FA Carling Premiership matches played in the

past seven days, so there are no changes in the points totals in the player lists (right).

However, four new players signed from outside the Fantasy League by Premiership clubs before last Thursday's transfer deadline — including Kevin Campbell and Graham Stuart — are now included.

The hiatus in the Premiership fixture list caused by the international weekend means, as usual, some alteration to our usual arrangements.

Next Tuesday, we announce the winner of the £500 ON-Target prize based on the numbers printed on these pages a week ago. Because we are not printing any ON-Target numbers today, the winner based on next week's numbers will receive a rollover prize of £1,000.

Next week's winner of our team of the week will also receive a rollover prize of £1,000 plus £100 of sports equipment.

The weekly winner will be determined only by matches played on Easter Saturday. The player lists published on these pages next week will also reflect only the points scored in the Easter Saturday programme.

Player scores from fixtures played on Easter Monday and Tuesday will be included in the scores given in the player lists on the following Tuesday, April 13.

For legal reasons, The Times Fantasy League is no longer able to accept entries from players under 18 years of age.

Players of 17 years and younger who are already registered in the main and youth leagues will, however, be allowed to remain in the competition.

### MAIN LEAGUE LEADERS

1. Sheff Wed	357
2. J. League	341
3. S. Squad	339
4. Peter 7	331
5. Joe Public	329
6. Minor Threat	329
7. Cosmopolitan	328
8. Dave 10	328
9. Broken Arrow	328
10. Bando Darsene	327
11. Tilly FC	325
12. I. H. Football	324
13. Solid At The Bar	324
14. Pin-Us 7	324
15. Yash Ragel	322
16. Oliver Thompson	321
17. Chequers Champs	321
18. Watford Reserves	321
19. Spire Town	321
20. Taffys Tenors	320

### YOUTH LEAGUE LEADERS

1. J. League	341
2. G. League	317
3. The M. Team	316
4. Henri & G. U. L.	315
5. Pop's Army	314
6. Robert's Rovers	313
7. Super Spurs	308
8. Spottedthelva	307
9. Matts Magic	307
10. Gills Eleven	302

There are no ON-Target numbers this week. The winners from last week's numbers will be announced on these pages next Tuesday.

## FANTASY LEAGUE SERVICES

Use these numbers for all the information you need:

### CHECKLINE

To check your team's standing

**0640 625 102**

(ex-UK +44 870 901 4292)

### TRANSFER LINE

To alter your team

**0640 625 103**

(ex-UK +44 870 901 4293)

0640 calls cost 80p per minute (ex-UK numbers charge at national rates)

### FAXBACK

A comprehensive update sheet

**0991 123 720**

(ex-UK +44 870 901 4290)

### SUPER LEAGUE FAXBACK

A brand new service

**0991 123 721**

(ex-UK +44 870 901 4279)

Faxbacks cost £1 per minute (ex-UK numbers charge at national rates)

### HELPLINE

for any queries

**01582 702720**

### CHOOSE YOUR PLAYERS FROM HERE

GOALKEEPERS	DEFENDERS	MIDFIELDERS	FORWARDS
122 D. Seaman	122 D. Seaman	415 M. Owen	415 M. Owen
123 S. Taylor	123 S. Taylor	416 S. Taylor	416 S. Taylor
124 A. Smith	124 A. Smith	417 J. Wright	417 J. Wright
125 J. Palmer	125 J. Palmer	418 D. Johnson	418 D. Johnson
126 T. Brown	126 T. Brown	419 P. Roberts	419 P. Roberts
127 P. Jones	127 P. Jones	420 M. Davies	420 M. Davies
128 S. White	128 S. White	421 S. Brown	421 S. Brown
129 A. Black	129 A. Black	422 J. Green	422 J. Green
130 M. Hill	130 M. Hill	423 D. White	423 D. White
131 S. Green	131 S. Green	424 P. Black	424 P. Black
132 T. Hill	132 T. Hill	425 M. White	425 M. White
133 A. Hill	133 A. Hill	426 S. Green	426 S. Green
134 P. Hill	134 P. Hill	427 J. Black	427 J. Black
135 S. Hill	135 S. Hill	428 D. White	428 D. White
136 M. Hill	136 M. Hill	429 P. Black	429 P. Black
137 T. Hill	137 T. Hill	430 M. White	430 M. White
138 A. Hill	138 A. Hill	431 S. Green	431 S. Green
139 M. Hill	139 M. Hill	432 J. Black	432 J. Black
140 S. Hill	140 S. Hill	433 D. White	433 D. White
141 P. Hill	141 P. Hill	434 M. White	434 M. White
142 T. Hill	142 T. Hill	435 P. Black	435 P. Black
143 A. Hill	143 A. Hill	436 S. Green	436 S. Green
144 M. Hill	144 M. Hill	437 J. Black	437 J. Black
145 S. Hill	145 S. Hill	438 D. White	438 D. White
146 P. Hill	146 P. Hill	439 M. White	439 M. White
147 T. Hill	147 T. Hill	440 P. Black	440 P. Black
148 A. Hill	148 A. Hill	441 S. Green	441 S. Green
149 M. Hill	149 M. Hill	442 J. Black	442 J. Black
150 S. Hill	150 S. Hill	443 D. White	443 D. White
151 P. Hill	151 P. Hill	444 M. White	444 M. White
152 T. Hill	152 T. Hill	445 P. Black	445 P. Black
153 A. Hill	153 A. Hill	446 S. Green	446 S. Green
154 M. Hill	154 M. Hill	447 J. Black	447 J. Black
155 S. Hill	155 S. Hill	448 D. White	448 D. White
156 P. Hill	156 P. Hill	449 M. White	449 M. White
157 T. Hill	157 T. Hill	450 P. Black	450 P. Black
158 A. Hill	158 A. Hill	451 S. Green	451 S. Green
159 M. Hill	159 M. Hill	452 J. Black	452 J. Black
160 S. Hill	160 S. Hill	453 D. White	453 D. White
161 P. Hill	161 P. Hill	454 M. White	454 M. White
162 T. Hill	162 T. Hill	455 P. Black	455 P. Black
163 A. Hill	163 A. Hill	456 S. Green	456 S. Green
164 M. Hill	164 M. Hill	457 J. Black	457 J. Black
165 S. Hill	165 S. Hill	458 D. White	458 D. White
166 P. Hill	166 P. Hill	459 M. White	459 M. White
167 T. Hill	167 T. Hill	460 P. Black	460 P. Black
168 A. Hill	168 A. Hill	461 S. Green	461 S. Green
169 M. Hill	169 M. Hill	462 J. Black	462 J. Black
170 S. Hill	170 S. Hill	463 D. White	463 D. White
171 P. Hill	171 P. Hill	464 M. White	464 M. White
172 T. Hill	172 T. Hill	465 P. Black	465 P. Black
173 A. Hill	173 A. Hill	466 S. Green	466 S. Green
174 M. Hill	174 M. Hill	467 J. Black	467 J. Black
175 S. Hill	175 S. Hill	468 D. White	468 D. White
176 P. Hill	176 P. Hill	469 M. White	469 M. White
177 T. Hill	177 T. Hill	470 P. Black	470 P. Black
178 A. Hill	178 A. Hill	471 S. Green	471 S. Green
179 M. Hill	179 M. Hill	472 J. Black	472 J. Black
180 S. Hill	180 S. Hill	473 D. White	473 D. White
181 P. Hill	181 P. Hill	474 M. White	474 M. White
182 T. Hill	182 T. Hill	475 P. Black	475 P. Black
183 A. Hill	183 A. Hill	476 S. Green	476 S. Green
184 M. Hill	184 M. Hill	477 J. Black	477 J. Black
185 S. Hill	185 S. Hill	478 D. White	478 D. White
186 P. Hill	186 P. Hill	479 M. White	479 M. White
187 T. Hill	187 T. Hill	480 P. Black	480 P. Black
188 A. Hill	188 A. Hill	481 S. Green	481 S. Green
189 M. Hill	189 M. Hill	482 J. Black	482 J. Black
190 S. Hill	190 S. Hill	483 D. White	483 D. White
191 P. Hill	191 P. Hill	484 M. White	484 M. White
192 T. Hill	192 T. Hill	485 P. Black	485 P. Black
193 A. Hill	193 A. Hill	486 S. Green	486 S. Green
194 M. Hill	194 M. Hill	487 J. Black	487 J. Black
195 S. Hill	195 S. Hill	488 D. White	488 D. White
196 P. Hill	196 P. Hill	489 M. White	489 M. White
197 T. Hill	197 T. Hill	490 P. Black	490 P. Black
198 A. Hill	198 A. Hill	491 S. Green	491 S. Green
199 M. Hill	199 M. Hill	492 J. Black	492 J. Black
200 S. Hill	200 S. Hill	493 D. White	493 D. White
201 P. Hill	201 P. Hill	494 M. White	494 M. White
202 T. Hill	202 T. Hill	495 P. Black	495 P. Black
203 A. Hill	203 A. Hill	496 S. Green	496 S. Green
204 M. Hill	204 M. Hill	497 J. Black	497 J. Black
205 S. Hill	205 S. Hill	498 D. White	498 D. White
206 P. Hill	206 P. Hill	499 M. White	499 M. White
207 T. Hill	207 T. Hill	500 P. Black	500 P. Black

Select a team of 11 Premiership players from those listed right. The total value of your team must not exceed £50m and you cannot choose more than one player from the same Premiership club. Your team must be in a 4-4-2 formation with: one goalkeeper; two full-backs; two centre-backs; four midfielders; and two forwards.

**TO ENTER BY POST** Name your team on the entry form, left, in no more than 16 characters. Enter the correct three-digit player codes from the list, right, followed by the players' names. Enter the first three characters of each player's team under the heading CLUB, ie, LEE for Leeds. Also enter the value of each player shown on the list right. Add up the values of the 11 players in your

team and make sure the total does not exceed £50m. Send your entry to the address shown, with a cheque/PO for £2.50 (£10 sterling outside UK or ROI) or your credit-card details. You will get confirmation of your team and your personal identity number (PIN) on receipt of your entry form. Readers under 18 should seek parental permission before entering. They must state their date of birth and indicate if they wish to enter our Youth League.

**LUCKY DIP** If you would like us to select a team at random for you, please tick the Lucky Dip box on the entry form. Postal entries only.

**TO ENTER BY PHONE** Call 0640 67 88 99

(+44 870 901 4209 outside the UK) using a touch-

tone (DTMF) phone and when prompted tap in your 11 three-digit player codes. You will be asked to give the name of your team (no more than 16 characters). You will then be given a 10-digit PIN, make sure you write this down and keep it safe to be able to check your team's progress and make transfers. Calls last about seven minutes. 0640 calls are 80p per minute. Calls from outside the UK are charged at national rates. Calls from payphones cost approximately double.



Submit your entry as soon as possible to maximise your points-scoring opportunities

FANTASY TEAM NAME (up to 16 characters) \_\_\_\_\_

LUCKY DIP If you wish to have your team selected by us at random, tick box ☐

CODE	GOALKEEPER NAME	CLUB	VALUE
001	_____	_____	_____
002	_____	_____	_____
003	_____	_____	_____
004	_____	_____	_____
005	_____	_____	_____
006	_____	_____	_____
007	_____	_____	_____
008	_____	_____	_____
009	_____	_____	_____
010	_____	_____	_____
011	_____	_____	_____
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# Classics allow no substitute for breeding

JULIAN MUSCAT



On the level

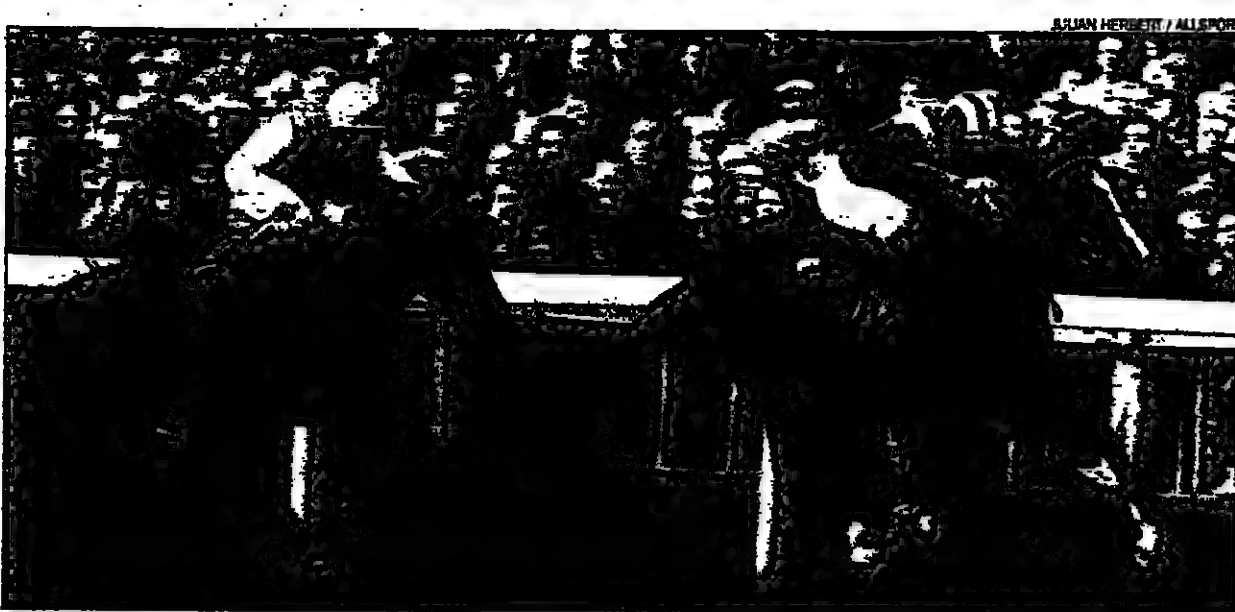
It is more surprising than Stravinsky's defeat at the Curragh on Sunday was the fact that he ventured to the races at all. Regular Ballydoyle-watchers were astonished that the now-deposed 2,000 Guineas favourite was loosed just 30 minutes into the Irish Flat season, on unfavourable terms and on the soft ground held responsible for his previous defeats. Nevertheless, loosed he was, which heralds the thought that Stravinsky, who pulled hard at the Curragh, lacked something from his diet of regular homework. The colt may have needed the rigours of a race to temper a natural exuberance already interpreted by some as a lack of courage. Once again, however, we are into the realms of supposition — much as we were last week,

when assessing the relevance of early-season work on Newmarket Heath.

What, then, do we make of Stravinsky, a colt who has mesmerised a Ballydoyle clan reared on the brilliance of Nijinsky, The Minstrel, Golden Silence, El Gran Senor and, among other champions too numerous to mention, the exotic but porcelain-fimbred King Of Kings just 12 months ago? Stravinsky certainly embodies the intrigue of a new season: is he a king or a regally-dressed impostor, destined to hang on the day of his disrobement?

And yet, within these perplexing shifts rests a more accurate in measurement than even the formbook. It endorses the visual impression created by Stravinsky in the passage of his last three defeats. On each occasion Stravinsky has advanced on the leaders with stealth. He has engaged them with menace. And then he has faltered. On each occasion he has faded over seven furlongs; on each occasion he has barely lasted the trip.

As much can be gleaned from Stravinsky's pedigree. In an age increasingly governed by the psycho-analysis of ones genes, it is remarkable that a thoroughbred's pedigree remains the last point of reference for many of the game's



Mujahid, ante-post favourite for the 2,000 Guineas, leads home Auction House in the Dewhurst Stakes at Newmarket

pundits. Stravinsky is by Nureyev, a primary speed influence, from a female family more firmly rooted in that domain. While his dam, Fire The Groom, stayed a mile in Europe, she is a half-sister to Dowling, a group one winner over six furlongs. The inference is clear for those holding Stravinsky tickets for the 2,000 Guineas. Tear them up. Shred them. Resolve instead to

redeem your losses in the six-furlong July Cup. Mind you, Stravinsky may well face formidable opposition in that Newmarket sprint from another widely-touted 2,000 Guineas candidate in Enrique. This colt finished fourth, with Stravinsky a place ahead of him, in the Dewhurst Stakes over seven furlongs. He is by Baratheau — who showed enough speed to

merit a run in the July Cup — out of Gwyndol, a juvenile group winner over five furlongs and a talented sprinter at three. Given this blend, it will be surprising in the extreme if Enrique stays a mile well enough to win a classic. Less concrete doubts — but doubts nonetheless — surround the stamina of Mujahid, the champion juvenile who routed the glamorous

Dewhurst second whose pedigree falls short of the standard generally associated with winners of the Newmarket Classic.

That's settled, then. In the quest for the 2,000 Guineas winner, I'm ditching the Dewhurst with the dishwasher. One of my rejects might have made uncommon improvement over the winter to overcome the doubt. The unlikely combination of lightning-fast ground and a slow pace might also undermine the argument. At the present odds, however, I'm happy to take that chance.

One other thing: don't expect to glean too much from the imminent trials, which won't remotely resemble the cut-and-thrust of a classic. Remember Xaar in the Craven last year? He narrowly mastered Gulland to precipitate a stampede for the latter's Derby odds before he himself galloped into anonymity.

It is a tedious business counting down the days to the first meaningful action of the Flat season. Tediousness leads to boredom, which leads to whimsical follies with your betting account. At this stage in the looking-glass war, the thoroughbred's ancestral traits are all we really have. They should be cherished, not overlooked.

## Godolphin maps out new set of objectives

FROM CHRIS McGRATH IN DUBAI

ALMUTAWAKEL, the brave winner of the fourth Dubai World Cup at Nad al Sheba, will be campaigned this season with the Breeders' Cup Classic in mind. "We'll work backwards from that," Simon Crisford, racing manager to Godolphin, said yesterday. "He gave everything on Sunday so we'll take it steady before deciding the best races for him to take in along the way." Altimber, the winner of the Dubai Duty Free, goes for the Lockinge Stakes at Newbury. Silver Charm, the defending champion who finished sixth, and High-Rise, last, failed to ignite the first meeting of Derby and Kentucky Derby winners since 1923.

Silver Charm bled whereas High-Rise, switching to dirt and dropped in trip, needed everything to go right from stall one. "He was never at the races, beaten by the draw," Crisford said. "But we hope he'll recapture last year's form back on turf and will aim him towards the Coronation Cup."

### RESULTS FROM YESTERDAY'S THREE MEETINGS

**Nottingham**  
Going: good to soft (in places)  
2.10 (m 54yd) 1. Fanny Point (F) 12.50, 2. Sounds Good (16-1) 13.50, 3. Wood Meadow (14-1) 14.50, 4. Bony Valentine (20-1) 15.50, 5. J. J. Jenkins (10-1) 16.50, 6. D. J. D. 17.50, 7. D. J. D. 18.50, 8. D. J. D. 19.50, 9. D. J. D. 20.50, 10. D. J. D. 21.50, 11. D. J. D. 22.50, 12. D. J. D. 23.50, 13. D. J. D. 24.50, 14. D. J. D. 25.50, 15. D. J. D. 26.50, 16. D. J. D. 27.50, 17. D. J. D. 28.50, 18. D. J. D. 29.50, 19. D. J. D. 30.50, 20. D. J. D. 31.50, 21. D. J. D. 32.50, 22. D. J. D. 33.50, 23. D. J. D. 34.50, 24. D. J. D. 35.50, 25. D. J. D. 36.50, 26. D. J. D. 37.50, 27. D. J. D. 38.50, 28. D. J. D. 39.50, 29. D. J. D. 40.50, 30. D. J. D. 41.50, 31. D. J. D. 42.50, 32. D. J. D. 43.50, 33. D. J. D. 44.50, 34. D. J. D. 45.50, 35. D. J. D. 46.50, 36. D. J. D. 47.50, 37. D. J. D. 48.50, 38. D. J. D. 49.50, 39. D. J. D. 50.50, 40. D. J. D. 51.50, 41. D. J. D. 52.50, 42. D. J. D. 53.50, 43. D. J. D. 54.50, 44. D. J. D. 55.50, 45. D. J. D. 56.50, 46. D. J. D. 57.50, 47. D. J. 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RUGBY UNION

# European revival frees clubs to cash in

By DAVID HANDS, RUGBY CORRESPONDENT

THE new accord within European rugby could mean a return to the six nations involved of £30 million even before gate receipts are considered. European Rugby Cup Ltd (ERCL) administrators, who meet in Dublin on Thursday, are confident that the presence of English clubs, coupled with the long-term nature of the agreement, will prove to be an attractive package to sponsors and broadcasters.

Moreover, the English clubs, who hope to centralise their commercial arrangements, believe that they will be able to offer "clean" grounds — free from perimeter advertising — within two or three years, making an even more attractive option for sponsors.

"I haven't been so encouraged for almost three years," Vernon Pugh, the chairman of the International Rugby Board, said. "We now have a platform in the northern hemisphere on which we can build."

There is interest already in the refurbished tournament from Heineken, the brewing company, which sponsored the competition in its first three years. "The agreement is great news for rugby and I hope there will be a way back for us," a spokesman said. The company had put in place a self-imposed deadline of April, after which it would have looked to other markets, but it seeks to return to a competition that it did so much to nourish.

In the meantime, the English clubs intend to create an even closer relationship with their French counterparts that could extend to harmonising fixtures and replicating financial arrangements.

Patrick Wolf, the vice-president of the French National League, said that the game, in his country, required Europe as a way of improving domestic standards. "We want to work with English First Division Rugby (EFL) so as to get as much comparison as possible between the domestic championships of our countries," he said. "We want to harmonise the level of competition, the timetable, to go the

same way as them in terms of salary caps and budget controls."

An independent body in France monitors the spending of sports organisations and, if their budgets do not balance, they can be prevented from recruiting and, in extreme circumstances, relegated.

"I'm very optimistic," Wolf said. "The eight-year agreement gives us the chance to get the best sponsors and broadcast contracts we can, but we must keep up the pace. The next four to six months must be used for negotiations which will create a good tournament for the next few years."

Two television channels are already said to be interested, although one of the lessons that governing bodies have learnt is the value of terrestrial broadcasts.

A European final is projected for May 27, 2000, at the end of a north-east-hemisphere season of unparalleled activity, including as it does the World Cup in October and November. English Rugby Partnership has now to accommodate domestic Allied Dunbar Premiership and Cup matches, built around the Six Nations Championship, and a European tournament likely to start a fortnight after the World Cup final on November 6.

Next season begins on August 28 and the restoration of a European Cup validates the decision of the first division clubs to play Premiership matches up to and during the World Cup. There is likely to be one Premiership weekend after the World Cup final before the European games, which will be played either side of Christmas, building up to quarter-finals at the end of January.

Eric Miller, the Tynanure College and Ireland banker, has been ruled out for at least ten weeks. He will have to undergo an operation on his left ankle after sustaining the injury in Ireland's final Five Nations Championship match against Scotland at Murrayfield. In that game, he was replaced by Victor Costello.

The operation will cost Miller his place in the Ireland team to play Italy at Lansdowne Road on April 10. He will also miss Ireland's four-match tour of Australia in May and June.

The injury compounds problems for the Ireland selectors. David Humphreys, the fly half, has been ruled out of the match against Italy because of a finger tendon injury, also sustained against Scotland.

The injury to Humphreys will probably mean a recall for Eric Elwood, while the absence of Miller will leave the selectors to choose between the uncapped Alan Quinlan, of Shannon, and more experienced players such as David Corkery and Trevor Brennan.

# Big sister encounters little problem

Alix Ramsay believes Serena Williams can eclipse Venus

It has always been hard to separate the Williams sisters — where Venus goes, Serena follows. They play together, they practise together, and, on Sunday, for the first time, they competed together for the Lipton championships. For all the hype and the hoopla, they had never managed to conduct a serious match on the women's tour.

Venus, 18, one year older and four inches taller, had always been the dominant force, but while Venus retained her title here, Serena was dogging her footsteps every inch of the way.

According to the latest world rankings, a mere five places separate the sisters. Venus has long been established in the top ten, but Serena is determined to follow her there. Her run in Florida has taken her to No 11 in the world, but the chance was there for her to break into the elite group. All she had to do was to beat her sister and the big prize was hers — and, if she had continued to play the way that she had all week, she would have done it. Her disappointment after the 6-1, 4-6, 6-4 loss was plain to see.

"I definitely didn't play very well at all," Serena said. "I was making way too many errors. It just wasn't the same Serena, like the rest of my matches. Venus is not only fast, but she has a long reach. Even if she doesn't hit a good shot, she'll get it back. You have to realise that when you are playing Venus, she's a great player. You have to know when you're playing me, I'm a great, awesome player, too."

This assessment came as something of a surprise. Neither sister is known for admitting their mistakes or for praising the opposition, but Serena knew exactly what she had done wrong. "I went for too much too soon," she said. "Maybe I should have tried coming to the net or just do something different." And that is the one thing that does separate Serena from Venus — Serena can adapt her game to suit the situation.



Venus Williams, right, emerged victorious at the Lipton championships, but Serena, left, has the better all-round game

It took Venus a couple of years to amass two tournament wins, while Serena has achieved the same in the past three weeks. Serena is the better volleyer, has the sharper reactions and has a better tactical approach. Venus has the bigger service, but when Serena steps in to take the return early, she fires the shot as if it came from a rocket-launcher. Not that this should seem strange to anyone who has listened to Richard Williams, their father. When Venus first arrived on the circuit, he warned everyone that her little sister was the better prospect.

"Serena tends to feel her way through a match to find out what her opponents like and do not like," he said. "As soon as she figures that out,

she usually hits her way straight through them. She's like a big train, she runs right over them." He also believes that his daughters are ready to take the next step and start winning grand slams — and when they do, he believes that nothing will stop them.

Mr Williams, it seems, has

## WTA RANKINGS

1. M Hingis (Sui) 5,421 pts
2. L Davenport (US) 5,310
3. M Soles (US) 3,919
4. A Morrison (US) 3,299
5. S Graf (Ger) 3,079
6. V Williams (US) 2,989
7. A Sanchez-Vizcaino (Sp) 2,847
8. M Pierce (Fr) 2,386
9. J Capriati (US) 2,183
10. M Tausch (Fr) 2,086
11. S Williams (US) 2,080
12. S Testud (Fr) 1,994

## Henman falls in pecking order

TIM HENMAN slipped one place to No 7 in the ATP world rankings after his early defeat in the Lipton championships, while Greg Rusedski, who joins Henman for Great Britain's Davis Cup tie with the United States this week, has risen two places to No 11.

but if his financial plans appear to be a little fanciful, the one thing that he does know about is his two girls and he always backed Serena to be the champion.

"When they started, I really thought Serena had a better chance at making it than Venus," he said. "Because she couldn't beat people with the same power as Venus, she had to learn to play angles and dropshots. Right now, she is hitting angles and dropshots better than anyone. I think she has a better chance than Venus."

There is more than a good chance that soon the Williams sisters will be doing everything together, but Serena will be doing it first while Venus will be forced to follow her.

## SPORT IN BRIEF

**TRIATHLON:** Great Britain's bid to host the world championships in conjunction with the London Triathlon on September 18-19 has been rejected by the International Triathlon Union (ITU) in favour of Montreal one week earlier. The ITU had asked Britain to consider coming forward as an emergency replacement for Munich after saying that it could not work with the German federation. Les McDonald, the ITU president, said that Montreal put together a better course and structure.

**HOCKEY:** England were held to a 2-2 draw by Argentina in Buenos Aires last night in the second international match of their tour. The previous match was drawn 4-4. Giles, an England substitute, and Hall gave England a two-goal lead, but Argentina fought back to level the match with goals by Retequi and Capurro, from a short corner, which was hotly disputed.

**BOXING:** Carl Thompson looks certain to lose a percentage of his £10,000 purse, for a "breach of agreement", when he lost his World Boxing Organisation (WBO) cruiserweight title to Johnny Nelson at Derby on Saturday. It follows an incident when his cornermen entered the ring wearing Naseem Hamed T-shirts.

**BADMINTON:** Elliot Stuart, the England coach, has resigned as national team boss because of the heavy time commitment. Ray Stevens, the former England international, is being linked as a replacement. Stuart was expected to become England's world class performance director from April.

## FOR THE RECORD

### BASKETBALL

**BUDWEISER LEAGUE:** Orlando Magic 97, Charlotte Hornets 87. **NBA:** Los Angeles Lakers 101, Detroit Pistons 97. **WNBA:** Los Angeles Sparks 75, New York Liberty 67. **FLORIDA STATE CHAMPIONSHIP:** First stage: Vassio de Gama 3, Amador 2. **BOAT RACING:** 1. R. P. 1.0, 2. R. P. 1.0, 3. R. P. 1.0, 4. R. P. 1.0, 5. R. P. 1.0, 6. R. P. 1.0, 7. R. P. 1.0, 8. R. P. 1.0, 9. R. P. 1.0, 10. R. P. 1.0, 11. R. P. 1.0, 12. R. P. 1.0, 13. R. P. 1.0, 14. R. P. 1.0, 15. R. P. 1.0, 16. R. P. 1.0, 17. R. P. 1.0, 18. R. P. 1.0, 19. R. P. 1.0, 20. R. P. 1.0, 21. R. P. 1.0, 22. R. P. 1.0, 23. R. P. 1.0, 24. R. P. 1.0, 25. R. P. 1.0, 26. R. P. 1.0, 27. R. P. 1.0, 28. R. P. 1.0, 29. R. P. 1.0, 30. R. P. 1.0, 31. R. P. 1.0, 32. R. P. 1.0, 33. R. P. 1.0, 34. R. P. 1.0, 35. R. P. 1.0, 36. R. P. 1.0, 37. R. P. 1.0, 38. R. P. 1.0, 39. R. P. 1.0, 40. R. P. 1.0, 41. R. P. 1.0, 42. R. P. 1.0, 43. R. P. 1.0, 44. R. P. 1.0, 45. R. P. 1.0, 46. R. P. 1.0, 47. R. P. 1.0, 48. R. P. 1.0, 49. R. P. 1.0, 50. R. 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## SNOOKER

## Hendry's display of perfect timing

By Phil Yates

WITH the Embassy world championship beginning at the Crucible Theatre just 19 days from now, Stephen Hendry could not have timed his 9-8 victory over Stephen Lee in the final of the Benson and Hedges Irish Masters on Sunday any better.

For someone who has won the event twice before, four tournaments this season and 69 in all, such a result is hardly earth shattering. However, it was not the win itself but the manner in which it was achieved that relayed a powerful message.

Hendry collected the £63,226 first prize by recovering from 5-0 and 8-4 down. With a surge of late excellence, the Scot performed magnificently under pressure.

Having been well below his best for most of the match, the prospect of imminent failure stoked Hendry's competitive fires, as it has done so often in the past. The next five frames were more a rout than a comeback.

In a little more than an hour, Hendry transformed a contest that had all but slipped away. He scored a total of 499 points to Lee's 69, compiling breaks of 51, 89, 123, 104 and, in the deciding frame, 85. In terms of quality, it was his finest recovery since beating Jimmy White 18-14 in the 1992 world championship final from 14-8 deficit.

Such an outstanding display continued the process of reconfirming Hendry as a strong challenger for the world title, which will be defended by John Higgins. "It's certainly the right time for my game to come together," Hendry said.

As a regular member of the elite top 16 in the world rankings, Hendry is not required to endure the rigours of qualification for the 32-man final stages of the world championship, unlike those veteran campaigners Dennis Taylor and Willie Thorne.

Taylor, 50, who has announced that he will retire from competition at the end of the season, fell 7-2 in arrears against Nick Walker, of Chester, in the seventh qualifying round in Telford. Thorne found himself in dire straits against Paul Sweeney, a law student. Entering their final session, Sweeney was 9-0 ahead and Thorne was facing his most ignominious defeat.

## CRICKET: FAST BOWLER'S FIVE-WICKET HAUL LEAVES TARGET OF 308



Adams joins Ambrose in celebrating his dismissal of Gillespie, the obdurate Australia nightwatchman

## Walsh gives West Indies faint scent of victory

FROM PAT GIBSON IN BRIDGETOWN, BARBADOS

STEVE WAUGH has got what he wanted. "From a personal point of view," the combative Australian captain had said after West Indies had lost the first Test match in Trinidad to level the series in Jamaica. "I love playing when it's tough and tight and real good cricket."

He should be relishing this third Test, which could not have been much tougher or tighter yesterday as West Indies came back again to challenge Australia's world supremacy with some of the best cricket that they have played for a long time.

Whether his players shared Waugh's view — or, indeed, whether he was still of the same opinion — was open to question as they collapsed to 81 for seven before Ricky Ponting and Shane Warne, making up with the bat for what he had given away with the ball, reasserted some authority with an eighth-wicket stand of 53, that enabled Australia to reach 146

and set West Indies a victory target of 308 with almost a day and a half remaining. There have been times when Australia have appeared to be a class above the West Indies, such as when they were bowling them out for 51 in Port of Spain and reducing them to 34 for four in Kingston and 98 for six here. There have been other occasions, however, when they have fallen a long way below the standard that they have set themselves, as when Brian Lara and Jimmy Adams were putting on 322 in Jamaica. Sherwin Campbell and Ridley Jacobs were sharing a partnership of 153 here and even Curdy Ambrose and Courtney Walsh were mocking Warne and Stuart MacGill, his fellow leg spinner, with a last-wicket stand of 38.

Such wild fluctuations in form and fortune had clearly jolted Australia's confidence when they began the fourth day, still in a strong position. 179 runs ahead with eight second-innings wickets in hand, but acutely aware that they could yet lose a match in which they made 490 in the first innings. Lara seemed to sense their mood. His captaincy has come in for some severe criticism, but now he signalled West Indian optimism with positive tactics that drew a vibrant response from his bowlers and fielders. As usual, Ambrose and Walsh led the way, but it was Campbell, the batting hero on Sunday, who was re-

sponsible for the first and perhaps the most important wicket of the day. Australia were looking to Michael Slater for quick runs, but when he had made 26, he risked a second run to Campbell at third man and was beaten by a swift, flat throw and direct hit.

Halley Moore, of Barbados, the third umpire, needed several television replays before giving the West Indies a rich dividend on their investment in Julian Fountain, an English baseball expert, who works with Yorkshire and the England youth squads and has been hired as a specialist fielding and throwing coach.

The next two wickets fell in more familiar fashion, Ambrose bowling Jason Gillespie, the nightwatchman, off an inside edge after an hour's resistance and Walsh exposing Mark Waugh's increasingly sloppy defensive technique and dismissing him leg before.

True to his word, Steve Waugh seemed to be bristling for the fight when he thrashed Nehemiah Perry, the off spinner, over mid-wicket for six, but then he tried to cut a ball from Pedro Collins, the left-arm seamer, that was too close to him and chopped it into his stumps.

Ian Healy, whose batting appears to have gone to pieces, soon followed, caught behind off Collins as he walked away outside off stump, and it was just as well for Australia that Ponting stood firm while Warne crashed about him.

They ensured the Australia lead was over 300, but, with the pitch in no way to blame for the collapse — it offered rewards to both batsmen and bowlers if they were good enough — West Indies reinforced their belief that they were not out of the game.

## BRIDGETOWN SCOREBOARD

AUSTRALIA: First innings 480 (S Waugh 198, Ponting 104, Lange 51)	
MT G Elliott c Jacobs b Walsh	0
M J Slater not out	29
J J Lange 51 b Ambrose	1
J C Adams c M E Walsh b Ponting	14
N O Perry b Walsh	9
R T Ponting c Giffen b Walsh	22
R A Healy c Jacobs b Collins	22
S K Waugh b Walsh	32
S C G MacGill c Campbell b Walsh	32
G D McGrath not out	9
Extras (b 10, lb 3, nb 1)	14
Total (90.1 overs)	480
FALL OF WICKETS: 1-0, 2-35, 3-46, 4-88, 5-71, 6-134, 7-137, 8-146, 9-155, 10-270, 11-335, 12-470, 13-480	
BOWLING: McGrath 35-128-4, Gillespie 26-146-3, Warne 15-52-70-1, MacGill 33-57-0, Ponting 4-12-1, M Waugh 34-11-0	
Umpires: E A Nicholls (South Africa) and D L Orchard (South Africa)	

## Graveney seeks harmony

DAVID GRAVENEY, the chairman of the England selectors, arrived in Lahore yesterday for a week of practice matches ahead of the Coca-Cola Cup in Sharjah against India and Pakistan hoping that the still unresolved players' contracts issue will not undermine his preparations for the forthcoming World Cup.

The Coca-Cola Cup matches will be England's last competitive fixtures before the World Cup, which begins in England on May 14, yet the England and Wales Cricket Board (ECB) has still to announce details of the contract to the 15 selected players.

wants is for the Sharjah tournament in nine days' time to be disrupted by a dispute over financial rewards. The players are believed to want

around £50,000 a man, based on incentives for reaching each stage, and appearance money, if they win the World Cup. However, the ECB offer is likely to fall well short of that figure because it has still to secure four of its anticipated eight sponsors for the tournament.



Graveney: no distractions

"I'm keen that everything is resolved and that negotiations do not get in the way of playing the game," Graveney said. "There are three distinct stages to the World Cup — getting out of the first group, getting out of the Super Sixes and then going on to win it, and I don't want this sort of thing to become a distraction."

## WORD-WATCHING

Answers from page 43

## TAPNET

(a) A basket made of rushes, in which figs (formerly also raisins) are imported. Also a conventional measure of quantity. Apparently an alteration of *tappet*, *toppet* a basket. "Curranes or Raysons of Corinthe do not much differ in virtue from tappet or frayle Raysons."

## UROPYGIAL

(c) Situated on or belonging to the rump or uropygial of a bird. As a substantive a rump-feather of a bird. The Greek words for back and bottom.

## TOA

(b) A species of *Casuarina* found in the South

Sea Islands. The native name in many Polynesian languages. Its wood, known from its colour and hardness as South Sea Ironwood, is used by the natives for their terrible clubs. Byron, *Island*, 1823: "We will sit in twilight's face, and see! The sweet moon glancing through the sea tree."

## URAUGHT

(e) An Irish petty chief. Adapted from the Irish *uraic* faction, party, clan. "I do absolutely renounce all challenge or intermeddling with the Uraughts, or exacting any blacke rentes of any Uraughts for bordering Lords."

## SOLUTION TO WINNING MOVE

1 Nf6! xg6 2 Qxg6! Kh8 3 Rg1 and Black can only prevent mate with 3... Qh4+ 4 Kd1 Qg5 5

## Exposing animal instincts

Supernatural  
BBC1, 8.30pm

A week later than originally planned (but of course you can't know that), here's a seven-part series (including the non-inventable *Making of* about animals' "paranormal powers". Excuse me, but why should animals' greater-than-human sensitivity to natural phenomena, and sharper reactions, be regarded as somehow supernatural? This successor to *Supersense*, which, ten years ago, certainly opened our eyes to advances in natural history filming techniques, is equally attractive and eye-catching, but I have to worry about the agenda of a series which suggests that gulls scream when it is cut and that dolphins can see unborn babies as ultrasound scans.

Queer As Folk  
Channel 4, 10.30pm

There has been genuine and justified outrage at the depiction of unsafe and sometimes illegal sexual activity in this series, but it must be remembered that it is drama. And whereas "mainstream" television drama, such as the major soaps, can stir in more births, deaths, marriages and sexual liaisons than any real communities would produce, all in the name of higher ratings, Russell T. Davies is outraged because his characters go about their promiscuous business without much suggestion of guilt or shame. They do, however, have to face the consequences of their frolicking.

Close Up  
BBC2, 9.30pm

The Polish-born architect Daniel Libeskind's design for an extension to the Victoria and Albert Museum in South Kensington, London, has elicited great howls of protest. The radical, white concrete and the spiral all accords with its Victorian neighbours. This is a low-key, persuasive film about Libeskind's life, working methods and record. His CV includes the astonishing Jewish Museum in Berlin and a proposed northern

A dolphin "seeing" an unborn child as examined in *Supernatural* (BBC1, 8.30pm)

branch of the Imperial War Museum, in Stafford. Brian Sewell offers cogent criticism of the V&A extension as a functional exhibition space, while others argue that London needs truly modern architecture in order to stay au courant.

Counterblast  
BBC2, 7.30pm

Erin Pizzey, who founded the first refuge in Britain for battered women, is the first person to be given access to this new television soapbox, and her chosen subject is, unsurprisingly, domestic violence. Less predictably, she is primarily concerned with challenging what she describes as the orthodox but incorrect view that such violence is always inflicted by men on their female partners, and children. Men, she claims, have been demonised by feminists who hijacked the campaign against domestic violence to further their own ends. Various experts and journalists are summoned to support Pizzey's contention and confirm that indeed as much as 40 per cent of abuse and battering is suffered by men at the hands of women. Men have been officially marginalised in the family, with consequent damage to the institution and to individuals. Tony Patrick

## RADIO CHOICE

Goldfish and Candy Floss  
Radio 2, 9pm

David Essex presents this reminiscence on fairgrounds, starting with the contention that it remains a special moment when you've stuck your darts in three separate cards and won a goldfish in a little long. What a sad and sad. There is a romanticised air about the programme, given that fairgrounds and some of the people they attract have a dark side not much reflected here. But the programme is highly atmospheric and hears from, and about, some fascinating characters. Goldfish were given as prizes as far back as 1908, but glass bowls were used to contain the fish. There is a debate with the RSPCA. In a Pythonesque response, stalls would put a carrot in a bowl to resemble a goldfish while the real ones were kept in a tank.

RADIO 1 (BBC)

6.30am Zoe Ball 8.00am Kevin Greening 12.00pm Jo Whiley 2.00pm Mark Radcliffe 4.00pm Chris Moyles 5.45pm Newsbeat 6.00pm Dave Pearce, Chart 6.00pm Steve Lamacq: The Evening Session 8.00pm Digital Update 10.10pm John Peel 12.00am The Breakfast Show 1.00am Live with 4.00pm Scott Mills

RADIO 2 (BBC)

6.00am Sarah Kennedy 7.30am Wake up to Wogan 9.30am Ken Bruce 12.00pm Jimmy Young 2.00pm Ed Stewart 6.00pm Johnnie Walker 7.00pm Alan Freeman: Their Greatest Hits 8.00pm Johnnie Walker 9.00pm Alan Freeman: Their Greatest Hits 10.00pm Alan Freeman: Their Greatest Hits 11.00pm Alan Freeman: Their Greatest Hits 12.00pm Alan Freeman: Their Greatest Hits

RADIO 5 LIVE (BBC)

5.00am Morning Reports 6.00am Breakfast 9.00am Brian Hayes 12.00pm The Midday News 1.00pm Ian Payne 4.00pm Drive 7.00pm News 7.30pm The Evening News 8.00pm News 8.30pm News 9.00pm News 9.30pm News 10.00pm News 10.30pm News 11.00pm News 11.30pm News 12.00pm News 12.30pm News 1.00pm News 1.30pm News 2.00pm News 2.30pm News 3.00pm News 3.30pm News 4.00pm News 4.30pm News 5.00pm News 5.30pm News 6.00pm News 6.30pm News 7.00pm News 7.30pm News 8.00pm News 8.30pm News 9.00pm News 9.30pm News 10.00pm News 10.30pm News 11.00pm News 11.30pm News 12.00pm News 12.30pm News 1.00pm News 1.30pm News 2.00pm News 2.30pm News 3.00pm News 3.30pm News 4.00pm News 4.30pm News 5.00pm News 5.30pm News 6.00pm News 6.30pm News 7.00pm News 7.30pm News 8.00pm News 8.30pm News 9.00pm News 9.30pm News 10.00pm News 10.30pm News 11.00pm News 11.30pm News 12.00pm News 12.30pm News 1.00pm News 1.30pm News 2.00pm News 2.30pm News 3.00pm News 3.30pm News 4.00pm News 4.30pm News 5.00pm News 5.30pm News 6.00pm News 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# Cheaper than therapy, with tools thrown in

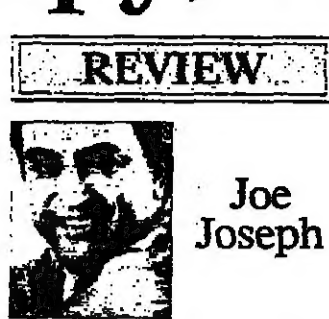
What is an angle-grinder, anyway? Am I the only person who hasn't a clue? What about a router? It was only quite a while ago that Channel 4's *Carry On* was showing a man using a router to cut a hole in a wall. I was a young, blonde, Belgian former model now living in England, where she has developed a passion for building fitted cupboards — telling us breathily: "I must have a router. And an angle-grinder." Well, of course you must, Marjan.

Then Chris McCormack, who is back in *Carry On* after 17 years' service as a Grenadier Guard, took us aside after we'd just seen his wife Karen, cooking appreciatively at his demonstration of the bathroom wall, and confessed that he'd not seen her that thrilled since he'd done a turn on the staircase.

Am I missing something? Or have I just been watching too many *Carry On* films recently? Celia Eaton's film seemed to be going out of its way to avoid mockery of DIY-ers: there was no "DIY-ers From Hell" about it. She was trying to show us how DIY can enhance a person's self-esteem, give them a sense of achievement, of empowerment, even — who knows? — of essentialist engagement. It was tenderly made, elegantly filmed, crisply edited. But did it persuade me? I'm not sure it fully persuaded me. The world is made up of DIY-ers and GAMI-ers, so called because they believe in not Doing-It-Yourself but in Getting-A-Man-In. We GAMI-ers put your hands up, the rest of you there's nothing to be ashamed of: you have nothing to lose but your chainsaws tend to think that the basic difference between a DIY-er and a professional bodger is that the DIY-er is a

bit of an anorak when it comes to knowing the names of tools, what they can do, at what variable speed, and how often they need charging and oiling if they're to maintain a 42 grams-per-square-inch hammer induction ratio (fortnightly, since you ask).

The professional bodger/builder/plumber/decorator, on the other hand, simply refers to everything that isn't actually a mug of tea as a "wosname".



He does this in the belief that, under some ancient English statute, builders are immune from prosecution for faulty workmanship if they never divulge to their client in proper English what parts they promised to install and which tools they said they'd use to install them (Your wosname's gone. I can put in a new one, with an extra wosname attachment, using my wosname, for 240 quid and we'll forget about

"channel my energies". So she painted a wall orange. Then she tiled the bathroom walls and mosaiced the bathroom floor. You wonder if, even at £50-an-hour, a therapist wouldn't have worked out cheaper. Then Marjan built a deck in her garden.

It was a garden-type deck, but you'd be forgiven for wondering if she was going to show you a cruiser-type deck, once you'd seen what the Sutton family have done in their back garden. The Suttons love Greece. They do there every summer. So they have turned their back garden into an authentic taverna, with checked tablecloths, ouzo, menus on the wall and a large cobalt-blue-and-blinding-white *trompe l'oeil* of a Greek landscape to remind them of their favourite holiday spot. You felt touched; but you also felt grateful that the Suttons live very, very far away from you.

You doubt that Robin Hanbury-Tenison would build a mini-rainforest in his backyard, much as he loves them. The Last Worlds of Mulu, David Hickman's film for Channel 4's *To the Ends of the Earth*, followed the genial British explorer and founder of Survival International back to Borneo. He'd first visited it in 1977 as leader of a Royal Geographic Society expedition of 140 scientists.

In a tropical rainforest called Mulu, they discovered thousands of animals and plant species new to science. Two square kilometres of Mulu contained 23,000 different life forms: 30 million species of insect. More ant species could be found in one tree stump than in the whole of the British Isles. Nature is obviously telling us something. It's telling us to go back to London. Hanbury-Tenison's expedition did

just that, but returned last year to see how Mulu was faring under the onslaught of loggers. But particularly to find out if a nomadic tribesman called Nyapun, with whom Hanbury-Tenison had forged a brotherly bond in 1977, was still alive.

He was. But his Penan tribe — the last of the rainforest nomads on Borneo — were no longer rainforest nomads. They had been ousted by the loggers. The reunion between Nyapun and Hanbury-Tenison was very moving, and Hickman cleverly blended a personal story of friendship with a battle cry against the destruction of the rainforest. But it has the air of a work-in-progress as Hanbury-Tenison returns to London with innovative plans to help the Penan (tribe to reclaim their heritage. You leave them all hoping that Hickman will make another film, showing us how successful Hanbury-Tenison has been.

## REVIEW

Joe Joseph

the VAT). They read this tip in the same builders' trade magazine which advises low-slung trousers ("Builders! Say goodbye to snug-fitting jeans misery with Builders Baggies, the denimis guaranteed to expose five fat inches of deft buttock — or your money back").

Marjan sees DIY as "a therapy thing". After giving up modelling she needed to do something to

- BBC1**
- 6.00am Business Breakfast (47556)
  - 7.00am Breakfast News (7) (83585)
  - 9.00am Kibitz (7) (2088127)
  - 9.45am Style Challenge (3797112)
  - 10.10am The Vanessa Show (7) (7957568)
  - 10.55am News (7) (8300653)
  - 11.00am Change That (3510030)
  - 11.25am Can't Cook, Won't Cook (7) (3587189)
  - 11.55am News (7) (7475127)
  - 12.00pm Call My Bluff (54824)
  - 12.30pm Wipeout: Celebrity Specials (3541585)
  - 12.55pm The Weather Show (7) (5318558)
  - 1.00pm One O'Clock News (7) (86672)
  - 1.30pm Regional News (5000710)
  - 1.40pm Neighbours (7) (35154818)
  - 2.05pm Inside (7) (5363933)
  - 2.55pm Through the Keyhole (7) (7112136)
  - 3.25pm Children's BBC: The Enchanted Lands (4252214)
  - 3.35pm Help! It's the Hair Bear Bunch (7) (4911740)
  - 3.55pm Hubbub (9289943)
  - 4.10pm Chippurks Go to the Movies (5941214)
  - 4.35pm The Really Wild Show (5369363)
  - 5.00pm Newsnight (4250189)
  - 5.10pm Grange Hill (5947278)
  - 5.33pm Rewind (7) (863127)
  - 5.35pm Neighbours (7) (388382)
  - 6.00pm One O'Clock News: Weather (7) (547)
  - 6.30pm Regional News Magazine (127)
  - 7.00pm Holiday Travel programme (7) (1672)
  - 7.30pm EastEnders (7) (951)
  - 8.00pm Animal Hospital (7) (7092)
  - 8.30pm **CHOICE** SuperNatural New series. Exploration of apparently paranormal behaviour in the natural world (7) (6127)
  - 9.00pm Nine O'Clock News: Regional News: Weather (7) (8295)

- BBC2**
- 7.00am Children's BBC Breakfast Show: Polka Dot Shorts (2754383); 7.10 The Silver Brumby (6493027); 7.30 Inch High Private Eye (3963672); 7.55 The Bots Master (8441108); 8.20 Buried Treasure (5537569); 8.40 Blue Peter (830127); 9.10 Goolber and the Ghost Chasers (5944629); 9.35 Student Bodies (1997130); 10.00 Tetsuabodies (47255)
  - 10.30pm FILM: Shipwreck (59201837)
  - 12.00pm Birds with Tony Soper (5720518); 12.30pm Working Lunch (70450)
  - 1.00pm Children's BBC: Oake Doks (59404160)
  - 1.10pm The Leisure Hour (467189)
  - 1.20pm Sporting Greats (59925160)
  - 2.40pm News (7) (3772450)
  - 2.45pm Westminster: Political news (7) (4159824)
  - 3.25pm News: Regional News: Weather (7) (4209278)
  - 3.30pm The Village (7) (956108)
  - 3.55pm Krys (5964127)
  - 4.25pm Ready, Steady, Cook (7) (6643672)
  - 4.55pm Esther (7) (5628553)
  - 5.30pm Whose House? (276)
  - 6.00pm The Prince of Bel-Air (7) (248568)
  - 6.25pm Heartbreak High (7) (815363)
  - 7.10pm The O Zone (7) (262566)
  - 7.30pm **CHOICE** Counterblast New series. Insight into domestic violence against men (7) (653)
  - 8.00pm House Detectives: A glimpse at the history of individual houses (7) (5634)
  - 8.30pm Your Money or Your Life: Alvin Hall offers more money tips (7) (4769)
  - 9.00pm Steptoe and Son: A game of scrabble leaves the duo with a taste for journalism (7) (7837)

- HTV**
- 5.30am ITV Morning News (50818)
  - 6.00am GMTV (5222585)
  - 9.25pm Triana (7) (8454214)
  - 10.30pm This Morning (7) (44076108)
  - 12.15pm HTV News and Weather (7) (4557450)
  - 12.30pm HTV Lunchtime News: Weather (7) (4036653)
  - 12.55pm Shortland Street (5483363)
  - 1.30pm Home and Away (7) (35176030)
  - 1.55pm The Jerry Springer Show (7) (7989914)
  - 2.40pm Wheel of Fortune (7) (5217522)
  - 3.10pm HTV News Headlines (7) (4208547)
  - 3.15pm HTV News (7) (4207818)
  - 3.20pm CITY: Mopopolis: The Shop (4211011); 3.30 Rose and Jim (8271924); 3.40 The Wombles (8251160); 3.55pm Cow and Chicken (8274011); 4.10pm Snap (6623818)
  - 4.40pm How 2 (5040063)
  - 5.00pm Home and Away (7) (3276)
  - 5.30pm WALES: Night Owls (476) (7) (130)
  - 5.30pm Can You Keep a Secret? (7) (130)
  - 5.55pm HTV Weather (590330)
  - 6.00pm HTV News (7) (943)
  - 6.25pm HTV CrimeStoppers (507896)
  - 6.30pm HTV Evening News: Weather (7) (235)
  - 7.00pm Emmerdale (7) (6740)
  - 7.30pm WALES: High Performance (3/5) (7) (479)
  - 7.30pm West Eye View (479)
  - 8.00pm The Bill: Meadows phones in sick (7) (201)
  - 9.00pm Peak Practice: Dawn fears her breast cancer might return, and Joanna regrets her reaction to a patient's request for cosmetic surgery (7) (9547)

- CENTRAL**
- As HTV West except.
  - 12.20-12.30pm Central News: Weather (7702818)
  - 12.55pm Home and Away (4044672)
  - 1.25pm The Jerry Springer Show (4616566)
  - 2.10-2.40pm Heart of the Country (5955214)
  - 3.15-3.20pm Central News: Weather (4207518)
  - 5.30pm Shortland Street (130)
  - 6.00-6.30pm Central News at Six: Weather (943)
  - 7.30-8.00pm Minutes (479)
  - 11.20-11.30pm Minutes: Weather (526301)
  - 1.00-1.55pm Highlander (4313509)
  - 4.05pm Central Jobfinder '99 (1338493)
  - 5.20-5.30pm Asian Eye (3842702)

- CHANNEL 4**
- 5.35am The Pink Panther (7353905)
  - 6.00pm Sesame Street (7) (30566)
  - 7.00pm The Big Breakfast (76295)
  - 9.00pm Words and Music (1948) Musical. Mashed. Directed by Norman Taurou (7) (81635108)
  - 11.15pm Lost Animals (3641943)
  - 11.30pm Powerhouse (7) (3498)
  - 12.00pm Sesame Street (7) (47634)
  - 12.30pm Bewitched (7) (72818)
  - 1.00pm Pet Rescue: The work of RSPCA centres (7) (73362)
  - 1.30pm The Student Prince (1954) Lavish version of Romberg's operetta, starring Edmund Purdom as a pompous prince who falls in love on a trip to Heidelberg. Directed by Richard Thorpe (7) (91214)
  - 3.30pm Collectors' Lot (7) (301)
  - 4.00pm Fifteen-to-One (7) (108)
  - 4.30pm Countdown (7) (3506030)
  - 5.55pm Rick Lake (7) (5613721)
  - 5.30pm Pet Rescue (7) (672)
  - 6.00pm King of the Hill (7) (585)
  - 6.30pm Home Improvement (7) (582547)
  - 6.55pm Planet Pop (7) (367450)
  - 7.00pm Channel 4 News: Weather (7) (696011)
  - 7.55pm Doves: The youngest elected member of the Northern Ireland assembly describes how he has forsaken work in a shoe shop for the lofty heights of Stormont (7) (410301)
  - 8.00pm Brookside (7) (3030)
  - 8.30pm Classic British Cars: The style war between Vauxhall and Ford (6/8) (7) (9837)
  - 9.00pm The Stages of Scotland Yard: Insight into media pressure on Sir Paul Condon following the publication of the Lawrence Inquiry, which highlighted "institutionalised racism" within the force. Should the Commissioner listen to his critics and resign now, or stay on until his term of office ends in January, when he had already announced his intention to stand down (7) (7189)
  - 10.00pm Father Ted: Jack is put in a home (7) (48363)
  - 10.30pm **CHOICE** Queer as Folk: Stuart and Vince introduce Cameron to his mum (6/8) (7) (716504)
  - 11.10pm The 11 O'Clock Show: Satirical comedy (7) (237924)
  - 11.45pm Fusion (7) (655295)
  - 12.15am Witness (4589412)
  - 1.10am A-Z of Wagner: The music, personality and politics of Richard Wagner, one of the 20th century's most controversial composers (7) (8270354)
  - 2.20am Tannhäuser (7) (7) (22230257)

- CHANNEL 5**
- 6.00am 5 News and Sport Current events (8654130)
  - 7.00pm WorldPart: Part eight. Architect Frank Lloyd Wright (7) (8496943)
  - 7.30pm Milkshake! (2928769)
  - 7.35pm Dappledawn Farm (7) 5 News Update (497498)
  - 8.00pm Alvin and the Chipmunks (7) (2113721)
  - 8.30pm Worldwatch, 5 News Update (2112092)
  - 9.00pm Instant Gardens (7/14) (7) (2136672)
  - 9.30pm The Oprah Winfrey Show (7) (7586629)
  - 10.20pm Sunset Beach: Gregory persuades Francesca to seduce AJ (7) (3968382)
  - 11.10pm Lesza (5410491)
  - 12.00pm 5 News at Noon (7) (213108)
  - 12.30pm Family Affairs: Yasmine's big day ends in tears (7) (7) 5 News Update (1594030)
  - 1.00pm The Bold and the Beautiful: Ridge proposes to Brooke (7) (8495214)
  - 1.30pm The Roseanne Show: Entertainment and chat with the outrageous comedienne; 5 News Update (1583301)
  - 2.00pm 100 Per Cent Gold (9472030)
  - 3.00pm Good Afternoon Lifestyle magazine, incorporating real-life soap Liverpool Mums, Selling the Family Silver with Eric Knowles, and word game Cryptogram; 5 News Update (1087818)
  - 3.30pm Home Fires Burning (1989) Drama, starring Bernard Hughes as an aging newspaper editor whose life is thrown into turmoil by his son's return from the Second World War. Directed by Glenn Jordan (7) (7241635)
  - 5.20pm 5 News (6808295)
  - 5.30pm 100 Per Cent (7) (272498)
  - 6.00pm 5 News Round-up of the day's stories (7) (271601)
  - 6.30pm Family Affairs: Pam discovers what her big case is about (7) (2707363)
  - 7.00pm Knight Rider: Michael infiltrates a highly organised gang of thieves, planning to rob a bullion truck (7) (9450818)
  - 7.30pm Nature of Oz: Moves to control Australia's foxes, which were introduced to the Outback deliberately, but now pose a serious threat to other wildlife (7) (2703547)
  - 8.00pm Crime Report: Hard-hitting reports on the latest UK crime cases, presented by John Taylor (9469566)
  - 8.30pm The Best of What's the Story? The series draws to a close with updates on previous reports (9471301)
  - 9.00pm Dogboys (7/10) (1998) A policeman goes undercover in a tough prison to investigate allegations of corruption, but instead finds himself sucked into his crooked colleagues' way of life — can a jailed man help him out? Drama, starring Bryan Brown, Dean Cain, and Tim Carver. Directed by Ken Russell (7) 5 News Update (8151685)
  - 10.50pm Two Deciding to fight fire with fire, Gus poses as Bohn and visits his sister parents, only to discover they're involved in an elaborate kidnapping scheme (4327837)
  - 11.45pm Live and Dangerous: AMA Supercross action (3816108)
  - 5.30pm 100 Per Cent (7) (8186677)



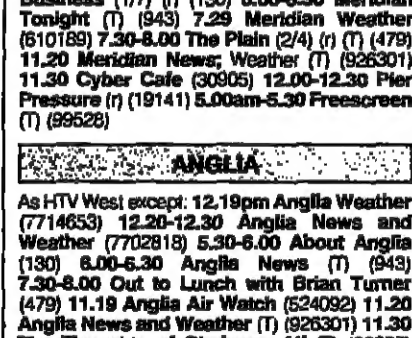
Sharon awaits the outcome of the Parole Board hearing (9.30pm)



Daniel Liebeskind is an innovator of avant garde architecture (9.30pm)



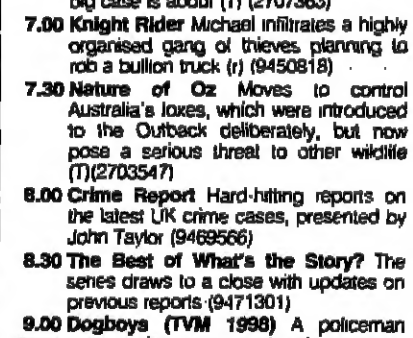
Marshall (Greg Wise) reaches a decision about Claire (10pm)



Sir Paul Condon has to instigate changes within the force (9pm)



The Stages of Scotland Yard insight into media pressure on Sir Paul Condon following the publication of the Lawrence Inquiry, which highlighted "institutionalised racism" within the force. Should the Commissioner listen to his critics and resign now, or stay on until his term of office ends in January, when he had already announced his intention to stand down (7) (7189)



Queer as Folk: Stuart and Vince introduce Cameron to his mum (6/8) (7) (716504)

- 9.30pm Jailbirds: Having served her time, Julie looks forward to returning home (7) (92672)
- 10.00pm Killer in the Family (7) (134943)
- 10.50pm Billy Connolly's World Tour of Australia (7) (361235)
- 11.30pm The Word on the Street (420108)
- 11.45pm Passover (431943)
- 12.05am Waiting for the Light (1990) Drama set during the Cuban missile crisis. Starring Shirley MacLaine. Directed by Christopher Monger (360073)
- 1.40pm Weather (7) (672230)
- 1.45pm BBC News 24 (67700125)

- 6.30pm-7.00pm Wales Today (7) (127) 9.30pm Week in Week Out (7) (92672) 10.00pm Jailbirds (7) (56663) 10.30pm Killer in the Family (467818) 11.20pm Billy Connolly's World Tour of Australia (7) (1) (462329) 12.00pm The Word on the Street (420108) 12.15pm Waiting for the Light (518783) 2.15pm News (7) (816219) 2.20-6.00pm BBC News 24 (58180325)

- 10.00pm Wonderful You: Heather falls for her film class lecturer Alan, and Joe finds that his parents' marriage is heading for the rocks, while Henry gets a call from a record company rep keen to discuss his demo (4/7) (7) (2634)
- 11.00pm HTV Nightly News: Weather (7) (812112)
- 11.20pm HTV News and Weather (7) (826301)
- 11.30pm Renegade (23473)
- 12.30pm The Haunted Fish tank (58832)
- 1.00pm Alford (7) (4313509)
- 1.55pm Judge Judy (784493)
- 2.20pm Wish You Were Here? Amsterdam, Egypt, Jamaica and the Swiss Alps (7) (974412)
- 2.45pm Dead Men's Tales (7) (66677)
- 3.15pm Football Extra: Football League highlights (7) (8699968)
- 4.10pm Coach (4130122)
- 4.35pm Soundtrack (3364048)
- 4.45pm HTV Nightscreen (2772870)

- As HTV West except.
- 12.15pm-12.30pm Meridian News: Weather (4557450) 5.30pm Meridian Business (1/7) (7) (130) 6.00-6.30pm Meridian Tonight (7) (943) 7.20pm Meridian Weather (610189) 7.30-8.00pm The Plain (2/4) (7) (7) (479) 11.20pm Meridian News: Weather (7) (826301) 11.30pm Cyber Café (3005) 12.00-12.30pm Pier Pressure (7) (19141) 5.00am-5.30pm Newsroom (7) (95528)

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- 12.15pm-12.30pm Anglia Weather (7) (4653) 12.20-12.30pm Anglia News and Weather (7702818) 5.30-6.00pm About Anglia (130) 6.00-6.30pm Anglia News (7) (943) 7.30-8.00pm Out to Lunch with Brian Turner (479) 11.18pm Anglia Air Watch (524092) 11.30pm Anglia News and Weather (7) (826301) 11.30pm The Thoughts of Chairman Alf (7) (90905) 12.00-12.30pm Short Story Cinema (7) (19141)

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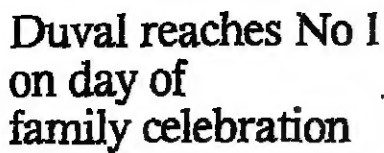
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## For further listings see Saturday's Vision

- SKY ONE**
- 7.00am Court Coups (8901) 7.30pm 9.30pm News (1997) 5.00pm News (1997) 5.30pm News (1997) 6.00pm News (1997) 6.30pm News (1997) 7.00pm News (1997) 7.30pm News (1997) 8.00pm News (1997) 8.30pm News (1997) 9.00pm News (1997) 9.30pm News (1997) 10.00pm News (1997) 10.30pm News (1997) 11.00pm News (1997) 11.30pm News (1997) 12.00pm News (1997) 12.30pm News (1997) 1.00am News (1997) 1.30am News (1997) 2.00am News (1997) 2.30am News (1997) 3.00am News (1997) 3.30am News (1997) 4.00am News (1997) 4.30am News (1997) 5.00am News (1997) 5.30am News (1997) 6.00am News (1997) 6.30am News (1997) 7.00am News (1997) 7.30am News (1997) 8.00am News (1997) 8.30am News (1997) 9.00am News (1997) 9.30am News (1997) 10.00am News (1997) 10.30am News (1997) 11.00am News (1997) 11.30am News (1997) 12.00am News (1997) 12.30am News (1997) 1.00am News (1997) 1.30am News (1997) 2.00am News (1997) 2.30am News (1997) 3.00am News (1997) 3.30am News (1997) 4.00am News (1997) 4.30am News (1997) 5.00am News (1997) 5.30am News (1997) 6.00am News (1997) 6.30am News (1997) 7.00am News (1997) 7.30am News (1997) 8.00am News (1997) 8.30am News (1997) 9.00am News (1997) 9.30am News (1997) 10.00am News (1997) 10.30am News (1997) 11.00am News (1997) 11.30am News (1997) 12.00am News (1997) 12.30am News (1997) 1.00am News (1997) 1.30am News (1997) 2.00am News (1997) 2.30am News (1997) 3.00am News (1997) 3.30am News (1997) 4.00am News (1997) 4.30am News (1997) 5.00am News (1997) 5.30am News (1997) 6.00am News (1997) 6.30am News (1997) 7.00am News (1997) 7.30am News (1997) 8.00am News (1997) 8.30am News (1997) 9.00am News (1997) 9.30am News (1997) 10.00am News (1997) 10.30am News (1997) 11.00am News (1997) 11.30am News (1997) 12.00am News (1997) 12.30am News (1997) 1.00am News (1997) 1.30am News (1997) 2.00am News (1997) 2.30am News (1997) 3.00am News (1997) 3.30am News (1997) 4.00am News (1997) 4.30am News (1997) 5.00am News (1997) 5.30am News (1997) 6.00am News (1997) 6.30am News (1997) 7.00am News (1997) 7.30am News (1997) 8.00am News (1997) 8.30am News (1997) 9.00am News (1997) 9.30am News (1997) 10.00am News (1997) 10.30am News (1997) 11.00am News (1997) 11.30am News (1997) 12.00am News (1997) 12.30am News (1997) 1.00am News (1997) 1.30am News (1997) 2.00am News (1997) 2.30am News (1997) 3.00am News (1997) 3.3





# Uefa grapples with growing Balkans crisis

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